

# FEDERAL REGISTER

VOLUME 36 • NUMBER 21

Saturday, January 30, 1971 • Washington, D.C.

Pages 1457-1515

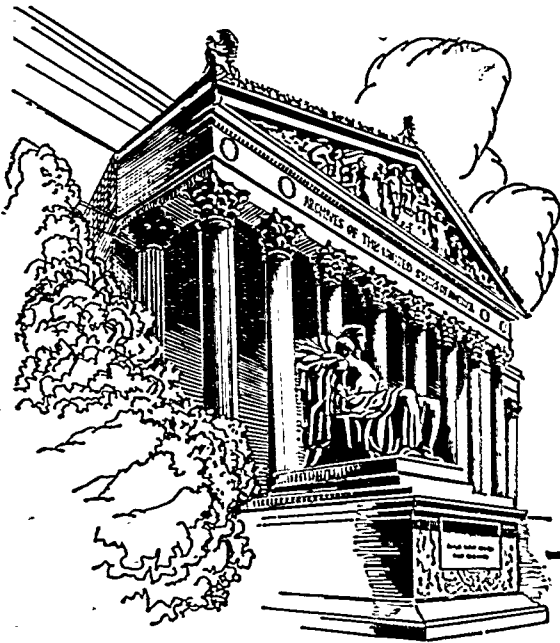
Part I

(Part II begins on page 1501)

**Agencies in this issue—**

The President  
Agency for International Development  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Atomic Energy Commission  
Civil Aeronautics Board  
Civil Service Commission  
Consumer and Marketing Service  
Environmental Protection Agency  
Federal Aviation Administration  
Federal Communications Commission  
Federal Home Loan Bank Board  
Federal Maritime Commission  
Federal Power Commission  
Federal Reserve System  
Food and Drug Administration  
Hazardous Materials Regulations  
Board  
Housing and Urban Development  
Department  
Interstate Commerce Commission  
Land Management Bureau  
Oil Import Administration  
Post Office Department  
Public Health Service  
Securities and Exchange Commission  
Small Business Administration  
Tariff Commission  
Treasury Department  
Veterans Administration  
Wage and Hour Division

Detailed list of Contents appears inside.



# MICROFILM EDITION FEDERAL REGISTER 35mm MICROFILM

**Complete Set 1936-69, 182 Rolls \$1,309**

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	\$7	13	1948	\$28	25	1960	\$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41			
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch  
National Archives and Records Service  
Washington, D.C. 20408



Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 20, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

# Contents

## THE PRESIDENT

### PROCLAMATION

National Safe Boating Week, 1971.. 1461

## EXECUTIVE AGENCIES

### AGENCY FOR INTERNATIONAL DEVELOPMENT

#### Notices

Principal diplomatic officer in Cambodia; delegation of authority ..... 1488

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

#### Rules and Regulations

Cotton, extra long staple; 1970 crop price support payment..... 1464

Marketing quota review regulations; miscellaneous amendments ..... 1463

Peanuts; transfer of allotments and conditions of eligibility for new farm allotments..... 1464

Rice; acreage allotments; eligibility requirements for new growers ..... 1465

### AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

#### Notices

Chicago Mercantile Exchange; designation as contract market for grain sorghums..... 1489

### ATOMIC ENERGY COMMISSION

#### Rules and Regulations

Standards for protection against radiation and rules of general applicability to licensing of by-product material; miscellaneous amendments ..... 1466

### CIVIL AERONAUTICS BOARD

#### Notices

##### Hearings, etc.:

Eastern Air Lines, Inc..... 1489

International Air Transport Association ..... 1490

SWISSAIR, Swiss Air Transport Co., Ltd..... 1490

Transporte Aereo Rioplatense, S.A.C. e I..... 1490

### CIVIL SERVICE COMMISSION

#### Rules and Regulations

Excepted service; Department of the Treasury..... 1463

#### Notices

Federal Maritime Commission; grant of authority to make non-career executive assignment..... 1491

## CONSUMER AND MARKETING SERVICE

### Rules and Regulations

Lemons grown in California and Arizona; handling limitation.... 1466

### Proposed Rule Making

Milk handling in Puget Sound marketing area; hearing..... 1478

## ENVIRONMENTAL PROTECTION AGENCY

### Rules and Regulations

Grants for water pollution control; recordkeeping requirements ..... 1467

### Proposed Rule Making

National primary and secondary ambient air quality standards; sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen oxides..... 1502

Regulation of fuel additives; advance notice..... 1486

#### Notices

Air pollution prevention and control; list of air pollutants; issuance of air quality criteria..... 1515

## FEDERAL AVIATION ADMINISTRATION

### Rules and Regulations

Temporary flight restrictions..... 1467

### Proposed Rule Making

Transition areas; alterations (2 documents) ..... 1485

## FEDERAL COMMUNICATIONS COMMISSION

### Proposed Rule Making

Community antenna television systems; extension of time for filing comments..... 1486

#### Notices

Common carrier services information; domestic public radio services applications accepted for filing ..... 1491

## FEDERAL HOME LOAN BANK BOARD

### Proposed Rule Making

Federal Savings and Loan System; loans by Federal savings and loan associations; correction ..... 1486

## FEDERAL MARITIME COMMISSION

#### Notices

Alaska Barge and Transport, Inc.; application for exemption..... 1492

Caribe Shipping Co., Inc.; revocation of independent ocean freight forwarder license..... 1493

## FEDERAL POWER COMMISSION

### Proposed Rule Making

Schedules of fees to be paid by electric public utility companies and natural gas companies and for miscellaneous services rendered by FPC; further extension of time..... 1487

#### Notices

##### Hearings, etc.:

Colorado Interstate Gas Co..... 1493

Transcontinental Gas Pipe Line Corp ..... 1493

## FEDERAL RESERVE SYSTEM

#### Notices

First Banc Group of Ohio, Inc.; application for approval of acquisition of shares of bank..... 1495

## FOOD AND DRUG ADMINISTRATION

### Proposed Rule Making

Cocoa with dioctyl sodium sulfosuccinate for manufacturing; standard of identity and food additive regulations; findings of fact, conclusions, and tentative order ..... 1482

## HAZARDOUS MATERIALS REGULATIONS BOARD

### Rules and Regulations

Transportation of hazardous materials:

Acrolein, inhibited..... 1472

Class A poisons in cylinders..... 1472

Removal of label exemption..... 1473

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service.

## HOUSING AND URBAN DEVELOPMENT DEPARTMENT

#### Notices

Regional Administrators et al.; redelegation of authority..... 1488

## INTERIOR DEPARTMENT

See Land Management Bureau; Oil Import Administration.

## INTERSTATE COMMERCE COMMISSION

### Rules and Regulations

#### Carservice:

Penn Central Transportation Co. et al. to unload certain cars of beets held at Morrisville, Pa..... 1475

Return of hopper cars..... 1476

#### Notices

Motor carrier temporary authority applications..... 1496

(Continued on next page)

**LABOR DEPARTMENT**

See Wage and Hour Division.

**LAND MANAGEMENT BUREAU****Rules and Regulations****Public land orders:**

Alaska .....	1471
Nevada .....	1471
Oregon .....	1472

**Notices**

New Mexico; proposed withdrawal and reservation of lands .....	1489
--	------

**OIL IMPORT ADMINISTRATION****Rules and Regulations**

Petrochemical allocations .....	1476
---------------------------------	------

**Proposed Rule Making**

Allocations; refiners in District V .....	1487
---	------

**POST OFFICE DEPARTMENT****Rules and Regulations**

Matter mailable under special rules; sexually oriented advertisements .....	1468
---	------

**PUBLIC HEALTH SERVICE****Rules and Regulations**

Biological products; hepatitis associated antibody (anti-Australia antigen) .....	1470
---	------

**Proposed Rule Making**

Grants for improving and expanding basic resources of medical libraries and related instrumentalities .....	1484
---	------

**SECURITIES AND EXCHANGE COMMISSION****Notices****Hearings, etc.:**

E. F. Hutton Tax-Exempt Fund .....	1494
General Public Utilities corp. ....	1494
Vermont Yankee Nuclear Power Corp .....	1494

**SMALL BUSINESS ADMINISTRATION****Notices**

Declaration of disaster loan areas: Iowa .....	1495
New Hampshire .....	1496

**STATE DEPARTMENT**

See Agency for International Development.

**TARIFF COMMISSION****Notices**

Glass from Japan; investigations and hearings .....	1490
---	------

**TRANSPORTATION DEPARTMENT**

See Federal Aviation Administration; Hazardous Materials Regulations Board.

**TREASURY DEPARTMENT****Notices**

Cast or rolled glass from Japan; tentative negative determination .....	1488
---	------

**VETERANS ADMINISTRATION****Rules and Regulations**

Vocational rehabilitation and education; period of operation of course and courses in foreign countries .....	1468
---	------

**WAGE AND HOUR DIVISION****Rules and Regulations**

Hotel and motel industry and restaurant and food service industry in Puerto Rico; wage order; correction .....	1467
--	------

## List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

<b>3 CFR</b>	<b>14 CFR</b>	<b>39 CFR</b>
PROCLAMATION:	91 .....	124 .....
4028 .....	1461	1468
EXECUTIVE ORDERS:	PROPOSED RULES:	<b>42 CFR</b>
July 3, 1905 (revoked by PLO 4989) .....	71 (2 documents) .....	73 .....
1471	1485	1470
2224 (revoked by PLO 4989) .....	<b>18 CFR</b>	PROPOSED RULES:
1471	601 .....	59a .....
3149 (revoked by PLO 4989) .....	1467	1484
1471	PROPOSED RULES:	410 .....
3828 (revoked by PLO 4989) .....	3 .....	1502
1471	32 .....	479 .....
4625 (see PLO 4989) .....	1487	1486
<b>5 CFR</b>	33 .....	<b>43 CFR</b>
213 .....	1487	PUBLIC LAND ORDERS:
1463	34 .....	337 (revoked by PLO 4989) .....
<b>7 CFR</b>	35 .....	1471
711 .....	1487	718 (revoked by PLO 4989) .....
1463	36 .....	1471
722 .....	1487	782 (revoked by PLO 4989) .....
1464	45 .....	1471
729 .....	1487	2670 (revoked by PLO 4989) .....
1464	159 .....	1471
730 .....	<b>21 CFR</b>	4582 (see PLO 4989) .....
1465	PROPOSED RULES:	1471
910 .....	14 .....	4941 (corrected by PLO 4991) .....
1466	121 .....	1472
PROPOSED RULES:	<b>29 CFR</b>	4962 (see PLO 4989) .....
1125 .....	728 .....	1471
1478	729 .....	1471
<b>10 CFR</b>	<b>32A CFR</b>	4990 .....
20 .....	OIA (Ch. X):	1474
1466	OI Reg. 1 .....	1472
30 .....	1467	4991 .....
<b>12 CFR</b>	<b>38 CFR</b>	<b>47 CFR</b>
PROPOSED RULES:	21 .....	PROPOSED RULES:
545 .....	1468	74 .....
1486		1486
		<b>49 CFR</b>
		173 (3 documents) .....
		1472, 1473
		177 .....
		1473
		1033 (2 documents) .....
		1475, 1476

# Presidential Documents

## Title 3—The President

PROCLAMATION 4028

### National Safe Boating Week, 1971

*By the President of the United States of America*

#### A Proclamation

More Americans each year are choosing boating as the ideal way to relax with their families and friends. All too often, however, what starts out as a pleasant cruise ends in tragedy because boatmen fail to teach their families to swim, fail to properly equip their craft with life preservers and other protective devices, or fail to instruct their passengers on the use of such devices prior to a boating cruise.

Every year, about 1,300 lives are lost in boating accidents. These fatalities can be reduced and boating made more pleasurable if those who engage in it will emphasize boating safety rules.

Recognizing the need for that emphasis, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 4, 1971, as National Safe Boating Week.

I urge all who use our waterways to acquire those skills essential to their own safety and that of others and to apply them carefully.

I also invite the Governors of the States and the Commonwealth of Puerto Rico to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of January, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-fifth.



[FR Doc.71-1383 Filed 1-29-71;9:09 am]



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of the Treasury

Section 213.3305 is amended to show that the position of Deputy Assistant Secretary (International Affairs) having been abolished is no longer in Schedule C. Effective on publication in the FEDERAL REGISTER (1-30-71), subparagraph (3) of paragraph (a) of § 213.3305 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 71-1270 Filed 1-29-71; 8:45 am]

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amtd. 1]

#### PART 711—MARKETING QUOTA REVIEW REGULATIONS

##### Miscellaneous Amendments

*Basis and purpose.* The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

The purpose of these amendments is to (1) remove the reference to upland cotton from the definition of quota in § 711.3(f) and (2) revise certain areas of venue established by State committees as previously published in the FEDERAL REGISTER of October 2 and 16, 1970 (35 F.R. 15355, 16235). Public Law 91-524, approved November 30, 1970, provides that marketing quotas shall not be applicable to upland cotton of the 1971, 1972, and 1973 crops. Section 711.13 provides for establishing areas of venue.

Since these amendments remove the reference to upland cotton as the result of Public Law 91-524 and revise certain areas of venue which were recommended by the respective State committees, it is hereby determined and found that compliance with the notice, public procedures, and effective date requirement

of 5 U.S.C. 553 is unnecessary and these amendments shall become effective as provided herein.

Part 711—Marketing Quota Review Regulations (35 F.R. 15355, 16235) is amended as follows:

1. Paragraph (f) of § 711.3 is amended by deleting the words "upland cotton" at the beginning of the parenthetical phrase beginning on the fifth line thereof.

2. Section 711.29 is amended by revising the areas of venue for certain States as follows:

##### FLORIDA

Counties of: Area I—Alachua, Baker, Bradford, Charlotte, Collier, Columbia, Duval, Hardee, Hendry, Highlands, Hillsborough, Lee, Levy, Marion, Martin, Nassau, Okcecho-bee, Palm Beach, Sumter, Union.

Area II—Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor.

Area III—Calhoun, Gadsden, Jackson, Jefferson, Leon, Liberty, Wakulla.

Area IV—Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington.

##### INDIANA

Counties of: Area I—Elkhart, Jasper, Kosciusko, Lake, La Porte, Marshall, Newton, Porter, St. Joseph, Starke.

Area II—Carroll, Cass, Fulton, Grant, Hamilton, Howard, Miami, Pulaski, Tipton, White.

Area III—Adams, Allen, DeKalb, Huntington, Lagrange, Noble, Steuben, Wabash, Wells, Whitley.

Area IV—Benton, Boone, Clinton, Fountain, Hendricks, Montgomery, Parke, Putnam, Tippecanoe, Vermillion, Warren.

Area V—Blackford, Delaware, Fayette, Franklin, Henry, Jay, Madison, Randolph, Union, Wayne.

Area VI—Clay, Daviess, Greene, Knox, Martin, Monroe, Orange, Owen, Sullivan, Vigo.

Area VII—Bartholomew, Brown, Decatur, Hancock, Jackson, Johnson, Lawrence, Marion, Morgan, Rush, Shelby.

Area VIII—Crawford, Dubois, Gibson, Harrison, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.

Area IX—Dearborn, Clark, Floyd, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Washington.

##### MINNESOTA

Counties of: Area I—Fillmore, Houston.

Area II—Meeker, Stearns.

##### NEVADA

Counties of: Area I—Clark, Nye.

##### NEW MEXICO

Counties of: Area I—Chaves, Curry, Do Baca, Eddy, Harding, Lea, Quay, Roosevelt.

Area II—Donna Anna, Grant, Hidalgo, Luna, Otero, Sierra, Socorro.

##### OKLAHOMA

Counties of: Area I—Alfalfa, Beaver, Blaine, Canadian, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Logan, Major, Noble, Oklahoma, Roger Mills, Texas, Woods, Woodward.

Area II—Adair, Cherokee, Craig, Creek, Delaware, Lincoln, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage,

Ottawa, Pawnee, Payne, Rogers, Sequoyah, Tulsa, Wagoner, Washington.

Area III—Beckham, Caddo, Carter, Cleveland, Comanche, Cotton, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Love, McClain, Murray, Stephens, Tillman, Washita.

Area IV—Atoka, Bryan, Choctaw, Coal, Haskell, Hughes, Johnston, Latimer, Le Flore, McCurtain, Marshall, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Seminole.

##### PENNSYLVANIA

Counties of: Area I—Armstrong, Beaver, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Potter, Venango, Warren.

Area II—Berks, Bradford, Bucks, Carbon, Chester, Columbia, Delaware, Lackawanna, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming.

Area III—Adams, Allegheny, Bedford, Cumberland, Dauphin, Fayette, Franklin, Fulton, Greene, Huntingdon, Juniata, Lancaster, Montour, Northumberland, Perry, Snyder, Somerset, Union, Washington, Westmoreland, York.

##### TENNESSEE

Counties of: Area I—Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington.

Area II—Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Sevier, Union.

Area III—Cumberland, Fentress, Morgan, Overton, Pickett, Putnam, Raone, Scott, White.

Area IV—Blodgett, Bradley, Hamilton, McMinn, Marion, Meigs, Monroe, Polk, Rhea, Sequatchie.

Area V—Clay, DeKalb, Jackson, Macon, Rutherford, Smith, Sumner, Trousdale, Wilson.

Area VI—Bedford, Cannon, Coffee, Franklin, Grundy, Lincoln, Moore, Van Buren, Warren.

Area VII—Benton, Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Stewart.

Area VIII—Giles, Hickman, Lawrence, Lewis, Marshall, Maury, Perry, Wayne, Williamson.

Area IX—Carroll, Crockett, Dyer, Gibson, Henderson, Henry, Lake, Lauderdale, Obion, Weakley.

Area X—Chester, Decatur, Fayette, Hardeman, Hardin, Haywood, McNairy, Madison, Shelby, Tipton.

(Secs. 301, 363-363, 375, 52 Stat. 33, as amended, 63, 64, as amended, 68, as amended; 7 U.S.C. 1301, 1363-1363, 1375; sec. 601, 84 Stat. 1371, Public Law 91-524)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[FR Doc. 71-1231 Filed 1-29-71; 8:45 am]

[Amdt. 2]

**PART 722—COTTON****Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program****1970 CROP PRICE SUPPORT PAYMENT**

The regulations governing the Extra Long Staple Cotton Program for 1968 and succeeding years (33 F.R. 19159; 34 F.R. 14065) are hereby amended as follows:

1. Section 722.704 is amended by changing paragraphs (a) and (b) to read as follows:

**§ 722.704 Price support payment factor.**

(a) For 1968, 1969, and 1970 the price support payment factor is 1.0000.

(b) For 1971 and succeeding years, the price support payment factor will be announced by an amendment to these regulations.

2. Section 722.709(a) is amended by adding at the end thereof the following new sentence:

**§ 722.709 Price support payment.**

(a) \* \* \* For 1970, the price support payment rate shall be 9.29 cents per pound.

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[FR Doc.71-1282 Filed 1-29-71;8:46 am]

[Amdt. 7]

**PART 729—PEANUTS****Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1969 and Subsequent Crops of Peanuts****TRANSFER OF ALLOTMENTS AND CONDITIONS OF ELIGIBILITY FOR NEW FARM ALLOTMENTS**

This amendment of the allotment and marketing quota regulations for peanuts of the 1969 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purposes of this amendment are as follows:

(1) Section 729.19: Expands the income requirement for new farm eligibility to include the income from farming rather than income from the farm for which the allotment is requested and to allow bona fide peanut production experience gained while participating as a member of a partnership to qualify an applicant under the experience requirement for a new farm peanut allotment.

(2) Sections 729.68 and 729.69: Extends the authority to transfer peanut acreage allotments on a permanent basis pursuant to Public Law 91-568, approved December 22, 1970.

Peanut producers are now making plans for the 1971 crop year and it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 533 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

1. Subparagraphs (6) and (7) of paragraph (b) of § 729.19 are amended to read as follows:

**§ 729.19 Conditions of eligibility for new farm allotment.**

(6) (i) The operator shall expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products. In making this computation of income from farming, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm. Where the farm operator is a partnership, each partner must expect to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income from farming. Dividends and salary from the corporation shall be considered as income from farming.

(ii) When the farm operator is a low-income farmer, the county committee may waive the income provision in subdivision (i) of this subparagraph if it determines that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family; and a State committee representative approves such action. The county committee must exercise good judgment to see that its determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to those who qualify. In making its determination, the county committee shall consider such factors as size and type of farming operations,

estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing peanuts either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. Bona fide peanut production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. In making a determination of any person's experience in growing peanuts, no credit shall be given for the person's interest in peanuts grown on a farm for which no farm peanut allotment was established for such year. Experience in growing peanuts on a farm having a farm allotment by temporary transfer shall be given credit.

2. Section 729.68 is revised to read as follows:

**§ 729.68 Authorization of and general explanation of transfers of farm allotments under section 358a of the act.**

(a) *Authorization of transfers.* It is hereby determined and found that transfers of peanut acreage allotments in accordance with the provisions of section 358a of the act will not impair the effective operation of the peanut marketing quota or price support programs. Accordingly, such transfers of allotment shall be permitted in accordance with the provisions of this section and § 729.69.

(b) *General explanation.* Three types of transfers of farm allotments within the same county are permitted in accordance with the terms and conditions in § 729.69. Transfer by sale would be permanent transfers of allotment and related acreage history and marketing quota. Transfers by lease would be temporary for the term of the lease not to exceed 5 years. Transfers by owner on a permanent basis or on a temporary basis not to exceed 5 years would be made from a farm owned by him to another farm in the same county owned or controlled by him. The receiving farm need not be an old farm but the total allotment transferred to the receiving farm in the case of sale and lease transfers but not in the case of transfers by owner on a permanent or temporary basis, shall not exceed 50 acres.

3. Paragraphs (a) and (b) of § 729.69 are revised to read as follows:



§ 729.69 Terms and conditions applicable to transfers under section 358a of the act.

(a) *Persons eligible to file applications for transfer*—(1) *Sale or lease*. The owner and operator of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer by sale or lease is to take effect shall be eligible to file an application for sale or lease of all or any part of such allotment to any other owner or operator of a farm in the same county. The receiving farm need not be an old farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(2) *By owner*. The owner of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer is to take effect is eligible to file an application to transfer such allotment from the farm to another farm in the same county owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to death, illness, incompetency, or bankruptcy of such person.

(b) *When application to be filed*. Applications for transfers shall be filed not later than April 1 in the year the transfer is to take effect. This final date may be extended by the State committee, with the approval of the Deputy Administrator, to a date not later than the close of the normal planting period for the State or area. The State committee, with the approval of the Deputy Administrator, may authorize the acceptance of a late-filed application in cases where the State committee determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1358, 1358a, 1359, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,  
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 71-1283 Filed 1-29-71; 8:46 am]

[Amdt. G]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

ELIGIBILITY REQUIREMENTS FOR NEW GROWERS

On pages 18286 and 18287 of the FEDERAL REGISTER of December 1, 1970 (35 F.R. 18286), was published a notice of proposed rule making to issue an amendment to the regulations for determination of acreage allotments for 1969 and subsequent crops of rice.

Interested persons were given 30 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

After consideration of the views and recommendations received, the proposed amendment, as issued in the notice, is adopted with the following additions:

1. A basis and purpose paragraph is added at the beginning of the amendment.

2. An authority clause is added.

3. An effective date provision is added immediately following the authority clause.

In order that this amendment may be applicable not later than January 31, 1971, which is the final date for filing applications for new grower rice allotments for 1971, it is necessary that this amendment become effective earlier than 30 days after publication in the FEDERAL REGISTER. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective as provided herein.

Signed at Washington, D.C., on January 22, 1971.

KENNETH E. FRICK,  
Administrator, Agricultural Stabilization and Conservation Service.

*Basis and purpose*. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to provide that a person who makes application for a new grower rice allotment must expect to obtain more than 50 percent of his income from farming in the crop year for which the allotment is requested.

The Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (33 F.R. 14520), as amended, is amended as follows:

1. Section 730.69 is amended by revising the first sentence of paragraph (c) (4) and paragraph (d), (2), (3), (4), and (5) to read as follows:

§ 730.69 Determination of allotments for new producers.

(c) \* \* \*

(4) He expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products unless the county committee, with the approval of a representative of the State committee, determines that the income of the applicant, from farming or otherwise, will not provide a reasonable standard of living for the applicant and his family. \* \* \*

(d) \* \* \*

(2) Credit will be allowed for estimated value of home gardens, livestock, and livestock products, poultry, or other agricultural products produced for consumption on the farm.

(3) Where the applicant is a partnership, each partner shall expect to obtain more than 50 percent of his income during the current year from farming.

(4) Where the applicant is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm, and the officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from farming.

(5) Where the applicant is a trustee under a trust arrangement, the trustee and the beneficiary of the trust each shall expect to obtain during the current year more than 50 percent of his income from farming.

2. Section 730.80 is amended by revising the first sentence of paragraph (c) (4) and paragraph (d) (2), (3), (4), and (5) to read as follows:

§ 730.80 Determination of allotments for new farms.

(c) \* \* \* (4) he expects to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products unless the county committee, with the approval of a representative of the State committee, determines that the income of the applicant, from farming or otherwise, will not provide a reasonable standard of living for the applicant and his family. \* \* \*

(d) \* \* \*

(2) Credit will be allowed for estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm.

(3) Where the farm operator is a partnership, each partner shall expect to obtain, during the current year, more than 50 percent of his income from farming.

(4) Where the farm operator is a corporation, it shall have no major corporate purpose other than operation and ownership, where applicable, of the farm. The officers and general manager of the corporation shall expect to obtain more than 50 percent of their income, including dividends and salary, from farming.

(5) Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary

of the trust each shall expect to obtain during the current year more than 50 percent of his income from farming.

(Secs. 353, 375, 52 Stat. 61, as amended, 66, as amended; 7 U.S.C. 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

[FR Doc.71-1284 Filed 1-29-71;8:46 am]

# Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 465]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

#### § 910.765 Lemon Regulation 465.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information con-

cerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 26, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 31, 1971, through February 6, 1971, are hereby fixed as follows:

- (i) District 1: 39,000 cartons;
- (ii) District 2: 86,000 cartons;
- (iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 27, 1971.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.

[FR Doc.71-1335 Filed 1-29-71;8:49 am]

## Title 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

#### PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

#### PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

##### Miscellaneous Amendments

Notice is hereby given of the amendment of the Atomic Energy Commission's regulations "Standards for Protection Against Radiation," 10 CFR Part 20, and "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 30.

The amendments of Part 20 change the telephone numbers of Regions III and IV of the Compliance Regional Offices listed in Appendix D of Part 20 and make other minor editorial changes.

The amendments of Part 30 change § 30.34(c) to clarify that licensees may transfer byproduct material to the Commission, to a specific or general licensee of the Commission or of an Agreement State whose license authorizes him to receive such material, or to any person exempt from the regulations in Part 30 to the extent permitted under the exemption. The amendments also include minor editorial changes in § 30.4.

Because these amendments relate solely to correction, clarification, and

minor procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20 and 30, are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER (1-30-71).

1. The centerhead "Permissible Doses, Levels, and Concentrates" which precedes § 20.101 of 10 CFR Part 20 is amended to read "Permissible Doses, Levels, and Concentrations".

2. The text of § 20.404 which precedes § 20.404(b) is designated as paragraph (a) of § 20.404.

3. The telephone numbers of Regions III and IV of the Compliance Regional Offices in Appendix D of Part 20 are amended to read as follows:

Address	Telephone	
	Daytime	Nights and holidays
...	...	...
Region III, Division of Compliance, USAEC, 703 Roosevelt Rd., Glen Ellyn, IL 60137.....	312-838-2660	312-730-7711
Region IV, Division of Compliance, USAEC, 16395 West Colfax Ave., Denver, CO 80215.....	303-837-4211	303-237-6003
...	...	...

4. Section 30.4(a) of 10 CFR Part 30 is amended by adding "(68 Stat. 919)" after "Act of 1954".

5. Section 30.4(o) is amended by adding "radiation" between the "or" and "survey instruments in radiography."

6. Section 30.34(c) is amended by revising the second sentence to read as follows:

(c) \* \* \* Except as otherwise provided in the license, a license issued pursuant to the regulations in this part and Parts 31-36 of this chapter shall carry with it the right to receive, acquire, own, possess, and import byproduct material and to transfer such material to the Commission, to a specific or general licensee of the Commission or of an Agreement State whose license authorizes him to receive such material, or to any person exempt from the regulations in this part to the extent permitted under such exemption.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 14th day of December 1970.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary of the Commission.

[FR Doc.71-1296 Filed 1-29-71;8:47 am]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10283; Amdt. 91-85]

### PART 91—GENERAL OPERATING AND FLIGHT RULES

#### Temporary Flight Restrictions

The purpose of this amendment to Part 91 of the Federal Aviation Regulations is to prohibit the operation of non-essential aircraft in the vicinity of any incident or event which by its nature may generate such a high degree of public interest that the likelihood of hazardous congestion exists.

This amendment was proposed in Notice 70-19, published in the FEDERAL REGISTER on May 2, 1970 (35 F.R. 7020).

Of the seven comments received to the notice, only two opposed the proposed rule change. One private citizen believed that no new amendment was required, as, in his opinion, the existing regulations were adequate to handle any hazardous situation that might arise.

The other dissenting opinion expressed the fear that the adoption of the rule as proposed would permit the closing of airspace with minimum reason and notification. Also, that the present system of NOTAM dissemination was an inadequate means of notifying pilots of flight restrictions.

It is the opinion of the FAA that in certain instances the temporary closing of airspace may be the only practical means of relieving an extremely hazardous situation. Furthermore, the fact that airmen at times fail to check NOTAMS is not in itself sufficient reason to reject the proposed rule change. In view of the fact that in recent years certain events, including, but not limited to, civil disturbances and major sporting events, have resulted in hazardous concentrations of air traffic, the FAA believes that this amendment is not only desirable but rather a requirement for the furtherance of air safety.

Interested persons have been afforded an opportunity to participate in the making of this amendment. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended as follows, effective March 1, 1971:

#### § 91.91 Temporary flight restrictions.

(a) Whenever the Administrator determines it to be necessary in order to prevent an unsafe congestion of sight-seeing aircraft above an incident or event which may generate a high degree of public interest, or to provide a safe environment for the operation of disaster relief aircraft, a Notice to Airmen will be issued designating an area within which temporary flight restrictions apply.

(b) When a Notice to Airmen has been issued under this Section, no person may operate an aircraft within the designated area unless—

(1) That aircraft is participating in disaster relief activities and is being operated under the direction of the agency responsible for relief activities;

(2) That aircraft is being operated to or from an airport within the area and is operated so as not to hamper or endanger relief activities;

(3) That operation is specifically authorized under an IFR ATC clearance;

(4) VFR Flight around or above the area is impracticable due to weather, terrain, or other considerations, prior notice is given to the Air Traffic Service facility specified in the Notice to Airmen, and en route operation through the area is conducted so as not to hamper or endanger relief activities; or,

(5) That aircraft is carrying properly accredited news representatives, or persons on official business concerning the incident or event which generated the issuance of the Notice to Airmen; the operation is conducted in accordance with § 91.79; the operation is conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities; and further, in connection with this type of operation, prior to entering the area the operator has filed with the Air Traffic Service facility specified in the Notice to Airmen a flight plan that includes the following information:

(i) Aircraft identification, type and color,

(ii) Radio communications frequencies to be used.

(iii) Proposed times of entry and exit of the designated area.

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

(Secs. 307, 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 25, 1971.

J. H. SHAFFER,  
Administrator.

[FR Doc.71-1288 Filed 1-29-71;8:47 am]

## Title 18—CONSERVATION OF POWER AND WATER RESOURCES

### Chapter V—Environmental Protection Agency

#### PART 601—GRANTS FOR WATER POLLUTION CONTROL

##### Recordkeeping Requirements

Sections 601.7 and 601.65(a)(9) are amended to read as set forth below. The purpose of this amendment is to establish a specific retention period for the records prescribed by these sections.

#### § 601.7 Audit.

Audit of the expenditures for the activities described in the plans may be made after prior consultation with the States or interstate agencies. Records, documents, and information available to the State and interstate agencies pertinent to the audit shall be accessible for the purposes of the audit. Records reflecting the receipt and expenditure of funds, payroll records, and progress records shall be retained for 3 years following the final settlement.

(Secs. 4, 10, 70 Stat. 493, 506, as amended; 33 U.S.C. 466c, 466i)

#### § 601.65 Assurances from applicant.

(a) \* \* \*

(9) That adequate accounting and fiscal records will be maintained, reflecting (i) amount, receipt, and disposition of grant assistance, total cost of project, amount and identification of that portion of the cost of the project supplied from other sources, and (ii) payroll records and kickback statements of laborers and mechanics working at the site. Such records shall be retained for 3 years following final settlement.

(Secs. 4, 10, 70 Stat. 493, 506, as amended; 33 U.S.C. 466c, 466i)

NADINE S. CASEY,  
Records Management Officer,  
Water Quality Office, Environmental Protection Agency.

[FR Doc.71-1304 Filed 1-29-71;8:48 am]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 728—HOTEL AND MOTEL INDUSTRY IN PUERTO RICO

#### PART 729—RESTAURANT AND FOOD SERVICE INDUSTRY IN PUERTO RICO

##### Wage Order; Correction

On January 22, 1971, wage orders revising §§ 728.2 and 729.2 of Title 29, Code of Federal Regulations, to be effective February 3, 1971, were published in the FEDERAL REGISTER at pages 1058 and 1059.

As section 8(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203) provides that the recommendations of the industry committee shall take effect upon the expiration of 15 days after the date of publication, the effective date of these wage orders is corrected from February 3, 1971, to February 6, 1971.

Signed at Washington, D.C., this 27th day of January 1971.

ROBERT D. MORAN,  
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71-1310 Filed 1-29-71;8:49 am]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

#### Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

##### PERIOD OF OPERATION OF COURSE AND COURSES IN FOREIGN COUNTRIES

1. In § 21.4251(a), subparagraph (1) is amended and paragraph (g) is added to read as follows:

##### § 21.4251 Period of operation of course.

###### (a) General. \* \* \*

(1) Any course to be pursued in a public or other tax-supported educational institution, and any course of the nature contemplated under provisions of § 21.4235(a) (1) which is to be pursued at an institution operated by the Department of Defense;

(g) *Period of operation of Predischarge Education Program courses.* Any course as contemplated in § 21.4235(a) (1) which is established under § 21.4260 (a) (2) (ii) will be accepted as having been in operation for the 2-year period if it is similar in character to one which the institution has had in operation for a 2-year period at its parent location.

2. In § 21.4260, paragraph (a) is amended to read as follows:

##### § 21.4260 Courses in foreign countries.

(a) *Chapter 34.* Enrollment in a course at a school not located in a State may be approved:

(1) In accordance with § 21.4250(c) when such course is pursued at an institution of higher learning, or

(2) When such course or courses contemplated under the provisions of § 21.4235(a) (1) are:

(i) Pursued at an institution operated by the Department of Defense, or

(ii) Provided by an institution under a contract with the Department of Defense. Such course or courses must accord with regulations prescribed by the Administrator of Veterans Affairs in Part 21 of this chapter. Assurance of compliance with the terms of such contract by such institution shall be the function of the Department of Defense.

The educational assistance allowance to a veteran pursuing a course in a foreign country will be denied or discontinued when it is found that such enrollment is not for the best interests of the veteran or the Government.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: January 26, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,  
Associate Deputy Administrator.

[FR Doc. 71-1293 Filed 1-29-71; 8:47 am]

# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 124—MATTER MAILABLE UNDER SPECIAL RULES

#### Sexually Oriented Advertisements

On pages 433-435 of the FEDERAL REGISTER of January 13, 1971, the Department published a notice of proposed rule making to implement section 3010 (b), (c) of title 39, United States Code, as enacted by Public Law 91-375, consisting of a new § 124.9 in Part 124.

Interested persons were given until January 20, 1971, to submit written data, views, and comments on the proposed regulations. After consideration of the comments received, the Department has determined to adopt the regulations, subject to a number of minor changes as explained below.

Nevertheless, the Department will continue to receive and retain any further written data, views, and comments concerning these regulations that interested persons may submit hereafter to the Assistant General Counsel, Mailability Division, U.S. Postal Service, Washington, D.C. 20260. Such matter will be considered as suggestions for future rule making.

Since section 3010 of title 39, United States Code, becomes effective on February 1, 1971, it is necessary that the implementing regulations be in force on that date. Accordingly, the new § 124.9 proposed in the above-mentioned notice of proposed rule making is hereby adopted, effective February 1, 1971, subject to the following changes:

(1) In paragraph (b) (4) the last sentence is revised and supplemented.

(2) In paragraph (d) (1) the first two sentences are revised; and the last two sentences are revised and supplemented.

(3) The portion of paragraph (f) (1) preceding the colon is corrected.

(4) In the third sentence of paragraph (f) (2) the words "the addressee must endorse the envelope or other wrapper" are changed to "the addressee must endorse the envelope or other wrapper and also the contents thereof."

Section 124.9 supersedes the regulations formerly codified as § 125.9 of Title 39 CFR (35 F.R. 18743; 35 F.R. 19399).

(5 U.S.C. 301, 39 U.S.C. 501; 39 U.S.C. 3010 (Public Law 91-375; 84 Stat. 749))

DAVID A. NELSON,  
General Counsel.

In Part 124 new § 124.9 is added, reading as follows:

#### § 124.9 Sexually oriented advertisements.

(a) *General.* (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. 3011 and in 18 U.S.C. 1735-37.

(2) 39 U.S.C. 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

(3) The responsibility for ensuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by section 153.5 of this chapter may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the List.

(b) *Application for listing.* (1) A person may invoke the protection of section 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, PS Form 2201, which may be obtained at any post office. Form 2201 bears a preprinted identifying number in two places: On the instruction portion (Part I) and on the application portion (Part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who

reside with him or are under his care, custody, supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

(3) Each postmaster shall transmit all applications received at his post office to the Office of ADP Management, Finance and Administration Department, U.S. Postal Service, Box 677, Washington, DC 20044 on a daily basis. The applications shall be packaged so that they will not be subject to folding, bending or other mutilation or damage.

(4) The Office of ADP Management, Finance and Administration Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. Each copy of the list (and each revision or supplement) will be dated. The 30-day period provided by section 3010(b) starts on the date shown on the list (or revision or supplement) on which the customer's name and address first appears.

(5) A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

(6) The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order PS Form 3575 will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

(c) *Revocation of listing.* A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of section 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

(d) *Availability of Postal Service List.* (1) Copies of the list or portions thereof and periodic amendments thereto shall

be available to any person by annual subscription. A subscription year runs from January 1, through December 31, except that in 1971 the subscription year will be deemed to be from February 1, 1971 through December 31, 1971. Requests for information on subscriptions and requests for subscriptions should be submitted to the Director, Office of Mail Classification, Finance & Administration Department, U.S. Postal Service, Washington, DC 20260. Requests for subscriptions must be accompanied by a check for \$5,000 payable to the U.S. Postal Service. This money will be applied to the subscription price at the end of the year, and any excess will be refunded to the subscriber. The annual subscription price will be established following each subscription year, and will represent the cost, prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription price exceed \$10,000. The List will be in the form of a reduced reproduction of computer print outs. For an additional fee of \$30 a computer tape of the listings can also be secured in conjunction with subscriptions to the List. Details of the List format may be obtained from the Director, Office of Mail Classification. A computer tape of the Listing may not be purchased without a purchase of the subscription computer print-out List.

(2) This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale, lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

(e) *Marking of envelope.* Section 3010 (a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph shall be printed in a size type no smaller than

that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the notice, separating them from anything else appearing on the exterior face of the mail piece.

(f) *Violations.* (1) The following is a partial list of conduct which may violate 39 U.S.C. sec. 3010 or 18 U.S.C. sec. 1735:

(i) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(ii) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the List for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The mail piece must be opened by the addressee. When submitting the mail piece, the addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See paragraph (b)(1) of this section. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed



on the List should direct his inquiry to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260.

(g) *Disposal of Original Form PS 2201.* (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b)(1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Assistant Postmaster General (Finance and Administration Department) to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b)(4) of this section has been obtained and shall thereafter be destroyed.

[FR Doc.71-1327 Filed 1-29-71;8:49 am]

## Title 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

#### PART 73—BIOLOGICAL PRODUCTS

##### Hepatitis Associated Antibody (Anti-Australia Antigen)

On November 21, 1970, a notice of proposed rule making was published in the *FEDERAL REGISTER* (35 F.R. 17954-17955) proposing to amend Part 73 of the Public Health Service regulations by prescribing specific standards of safety, purity, and potency for Hepatitis Associated Antibody (Anti-Australia Antigen).

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication in the *FEDERAL REGISTER*.

After consideration of all comments submitted, the following amendments to Part 73 of the Public Health Service regulations are hereby adopted. As provided in the notice, such standards shall become effective immediately upon publication in the *FEDERAL REGISTER* (1-30-71). This action is taken in the public interest because the product is new and an immediate effective date will permit issuance of licenses without further delay upon compliance with such standards and thus assure the earliest possible availability of such product for the testing of blood intended for transfusion in man.

1. The table of contents of Part 73 is amended by designating Subpart F and adding thereunder a new entry, as follows:

#### Subpart F—Additional Standards for Diagnostic Substances for Laboratory Tests

##### HEPATITIS ASSOCIATED ANTIBODY (ANTI-AUSTRALIA ANTIGEN)

- Sec.  
73.5000 The product.  
73.5001 Reference panel.  
73.5002 Potency test.

- Sec.  
73.5003 Specificity.  
73.5004 General requirements.

**AUTHORITY:** The provisions of this Subpart F issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262.

#### § 73.370 [Amended]

2. Section 73.370 is amended by inserting immediately after the listing "*Haemophilus influenzae* Typing Serum" the following new listing:

Hepatitis Associated Antibody (Anti-Australia Antigen)	Six months. (5° C., six months.)
--	----------------------------------

3. Part 73 is amended by assigning the designation "Additional Standards for Diagnostic Substances for Laboratory Tests to Subpart F and by adding immediately after such subpart designation, the following:

#### Subpart F—Additional Standards for Diagnostic Substances for Laboratory Tests

##### HEPATITIS ASSOCIATED ANTIBODY (ANTI-AUSTRALIA ANTIGEN)

#### § 73.5000 The product.

(a) *Proper name and definition.* The proper name of this product shall be Hepatitis Associated Antibody (Anti-Australia Antigen) which shall consist of a preparation of serum containing the hepatitis associated antibody.

(b) *Source.* The source of this product shall be plasma or blood, obtained aseptically from animals immunized with hepatitis associated (Australia) antigen which have met the applicable requirements of § 73.501 or from human donors whose blood is positive for hepatitis associated antibody.

#### § 73.5001 Reference panel.

A Reference Hepatitis Associated Antigen (Australia Antigen) Panel shall be obtained from the Division of Biologics Standards and shall be used for determining the potency and specificity of Hepatitis Associated Antibody (Anti-Australia Antigen).

#### § 73.5002 Potency test.

To be satisfactory for release each filling of Hepatitis Associated Antibody (Anti-Australia Antigen) shall be tested against the Reference Hepatitis Associated Antigen (Australia Antigen) Panel and shall be sufficiently potent to be able to detect the antigen in the appropriate sera of the reference panel by all test methods recommended by the manufacturer in the package enclosure.

#### § 73.5003 Specificity.

Each filling of the product shall be specific for hepatitis associated antibody as determined by specificity tests found acceptable to the Director, Division of Biologics Standards.

#### § 73.5004 General requirements.

(a) *Processing.* The processing method shall be one that has been shown to

consistently yield a specific and potent final product free of properties which would adversely affect the test results when the product is tested by the methods recommended by the manufacturer in the package enclosure.

(b) *Ancillary reagents and materials.* All ancillary reagents and materials supplied in the package with the product shall meet generally accepted standards of purity and quality and shall be effectively segregated and otherwise manufactured in a manner (such as heating at 60° C. for 10 hours) that will reduce the risk of contaminating the product and other biological products. Ancillary reagents and materials accompanying the product which are used in the performance of the test as described by the manufacturer's recommended test procedures shall have been shown not to adversely affect the product within the prescribed dating period.

(c) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, the following shall also be included:

(1) Indication of the source of the product immediately following the proper name on both the final container and package label, e.g., human, guinea pig.

(2) Name of the test method(s) recommended for the product on the package label and on the final container label when capable of bearing a full label (see § 73.600(a)).

(3) A warning on the package label and on the final container label if capable of bearing a full label (see § 73.600(a)) indicating that the product and antigen if supplied, shall be handled as if capable of transmitting hepatitis.

(4) If the product is dried, the final container label shall indicate "Reconstitution date: \_\_\_\_\_" and a statement indicating the period within which the product may be used after reconstitution.

(5) The package shall include a package enclosure providing (i) adequate instructions for use, (ii) a description of all recommended test methods, and (iii) warnings as to possible hazards, including hepatitis, in handling the product and any ancillary reagents and materials accompanying the product.

(d) *Final container.* Final containers shall be sterile, colorless, and transparent.

(e) *Samples; protocols; official release.* For each filling of the product the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A sample of each filling packaged as for distribution including all ancillary reagents and materials.

(2) A protocol which consists of a summary of the history of manufacture of each filling, including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

The product shall not be issued by the manufacturer until notification of official

release of the filling is received from the Director, Division of Biologics Standards.

Dated: January 22, 1971.

ROBERT Q. MARSTON,  
Director,  
National Institutes of Health.

[FR Doc.71-1295 Filed 1-29-71;8:47 am]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4939]

[Anchorage 050042]

#### ALASKA

#### Revocation of Withdrawals for Townsite, Military, and Alaska Railroad Purposes at Seward

By virtue of the authority vested in the President by section 1 of the Act of March 12, 1914, 38 Stat. 305, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The unnumbered Executive order of July 3, 1905, withdrawing 10 acres for use of the War Department as a Signal Corps Station, Executive Order No. 2224 of July 19, 1915, withdrawing 91.70 acres as Alaska Townsite Withdrawal No. 8, Executive Order No. 3149 of August 16, 1919, withdrawing lands for use of the Navy Department, Executive Order No. 3828 of May 3, 1923, withdrawing 2.15 acres for use of the Alaskan Engineering Commission, Public Land Order No. 337 of December 31, 1946, revoking Executive Order No. 4625 of April 1, 1927, and returning lots 11 and 12, Block 8, Federal Addition, Seward, to railroad townlot status, Public Land Order No. 718 of May 4, 1951, amending Executive Order No. 3149 of August 16, 1919, by transferring lands from the Department of the Navy to the Departments of the Army and Interior, Public Land Order No. 782 of December 29, 1951, withdrawing 36,818 square feet in the Federal Addition for use of the Alaska Railroad, and Public Land Order No. 2670 of May 4, 1962, so far as it withdrew 11.23 acres of land along the Seward waterfront for use of the Alaska Railroad, are hereby revoked.

The areas involved are public and non-public lands within and adjoining the townsite of Seward. The greater part of the land has been sold and patented under the Alaska Railroad Townsite Act of March 12, 1914, 38 Stat. 305.

2. The unappropriated public lands involved are withdrawn pursuant to the provisions of Public Land Order No. 4582 of January 17, 1969, as amended by Public Land Order No. 4962 of December 8, 1970, for the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

JANUARY 25, 1971.

[FR Doc.71-1289 Filed 1-29-71;8:47 am]

[Public Land Order 4930]

[Nevada 051745]

#### NEVADA

#### Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, 43 U.S.C. sec. 416 (1964), as amended and supplemented, it is ordered as follows:

1. The departmental orders of January 31, 1903, May 8, 1919, August 7, 1920, March 30, 1921, May 19, 1921, April 21, 1923, June 4, 1930, October 16, 1931, March 3, 1933, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands, except as to all lands lying inside a line 300-foot landward from the high watermark, measured from a line horizontal to a perpendicular rising from the 655-foot elevation of Lake Mohave and the 1,229-foot elevation of Lake Mead:

#### MOUNT DIABLO MERIDIAN

T. 23 S., R. 65 E. (unsurveyed),  
Sec. 27, all fractional;

Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 33, all;  
Sec. 34, all fractional.

T. 23 $\frac{1}{2}$  S., R. 65 E. (unsurveyed),  
Secs. 33, 34, all;  
Sec. 35, all fractional.

T. 24 S., R. 65 E. (unsurveyed),  
Secs. 1, 2, all fractional;

Sec. 3, all;  
Sec. 10, E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 11, all;  
Secs. 12, 13, 14, all fractional;  
Sec. 15, E $\frac{1}{2}$ E $\frac{1}{2}$  all fractional, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , all fractional;  
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Secs. 34, 35, all fractional.

T. 25 S., R. 65 E. (partially unsurveyed),  
Sec. 2, all fractional;

Secs. 3, 10, all;  
Secs. 11, 14, all fractional;  
Secs. 15, 22, all;  
Secs. 23, 26, all fractional;  
Secs. 27, 34, all;  
Sec. 35, all fractional.

T. 26 S., R. 65 E.,  
Secs. 2, 3, all fractional;  
Secs. 4 through 10, all;  
Secs. 11, 13, 14, all fractional;  
Secs. 15, 22, all;  
Secs. 23, 24, 26, all fractional;  
Secs. 27, 34, all;  
Secs. 35, 36, all fractional.

T. 27 S., R. 65 E.,  
Sec. 1, all fractional;  
Secs. 2, 3, 10, 11, 12, all;  
Sec. 13, all fractional;  
Secs. 14, 15, 22, all;  
Secs. 23, 24, 25, 26, all fractional;  
Secs. 27, 34, 35, all;  
Sec. 36, all fractional.

T. 28 S., R. 65 E.,

Sec. 1, all fractional;  
Secs. 2, 3, 10, 11, all;  
Secs. 12, 13, all fractional;  
Secs. 14, 15, 22, all;  
Secs. 23, 24, 25, all fractional;  
Secs. 26, 27, 34, 35, all;  
Sec. 36, all fractional.

T. 29 S., R. 65 E.,

Sec. 1, all fractional;  
Secs. 2, 3, 11, all;  
Secs. 12, 13, all fractional;  
Secs. 14, 23, all;  
Sec. 24, all fractional;  
Sec. 25, all.

T. 30 S., R. 65 E. (unsurveyed),  
Secs. 23, 24, 25, 26, 27, 34, 35, 36, all.

T. 31 S., R. 65 E. (unsurveyed),  
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, all;

Sec. 34, N $\frac{1}{2}$ ;  
Sec. 35, N $\frac{1}{2}$ ;  
Sec. 36, all.

T. 27 S., R. 66 E. (unsurveyed),  
All fractional township.

T. 29 S., R. 66 E.,

Secs. 19, 29, 30, all fractional;  
Sec. 31, all;  
Secs. 32, 33, all fractional.

T. 30 S., R. 66 E. (unsurveyed),

Secs. 3, 4, all fractional;  
Sec. 5, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 9, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 10, all fractional;  
Sec. 15, E $\frac{1}{2}$  all fractional, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 16, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 17, S $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 18, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 19, all;

Sec. 20, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$  all fractional;

Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
Secs. 29, 30, 31, 32, 33, all;  
Sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$ .

T. 31 S., R. 66 E.,

Sec. 3, W $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  all fractional;  
Secs. 4, 5, 6, 7, 8, 9, all;  
Secs. 10, 11, 14, all fractional;  
Secs. 15, 16, 17, 18, 19, 20, 21, 22, all;  
Secs. 23, 26, all fractional;  
Secs. 27, 28, 29, 30, 31, 32, 33, 34, all;  
Sec. 35, all fractional.

T. 32 S., R. 66 E.,

Sec. 2, NW $\frac{1}{4}$ ;  
Secs. 3, 4, 5, 6, all;  
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 17 S., R. 67 E.,

Secs. 24, 25, all.

T. 18 S., R. 67 E.,

Secs. 13, 24, 25, all.

T. 19 S., R. 67 E.,

Sec. 1, all fractional;  
Secs. 12, 13, 24, 25, 36, all.

T. 20 S., R. 67 E. (unsurveyed),

Sec. 1, all;  
Secs. 7, 8, 9, 10, all lands lying within 4 miles of the Colorado River;  
Sec. 11, all;  
Secs. 12, 13, all fractional;  
Secs. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, all;  
Secs. 24, 25, 26, 27, 28, 29, 30, 31, all fractional.

T. 15 S., R. 68 E.,

Sec. 1, NW $\frac{1}{4}$ ;  
Sec. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 24, 25, all;  
Sec. 26, E $\frac{1}{2}$ ;  
Sec. 35, E $\frac{1}{2}$ ;  
Sec. 36, all fractional.

T. 16 S., R. 68 E.,  
 Sec. 1, all fractional;  
 Sec. 2, E½;  
 Sec. 11, E½;  
 Secs. 12, 13, all fractional;  
 Sec. 14, E½;  
 Sec. 23, E½;  
 Secs. 24, 25, all fractional;  
 Sec. 26, E½ all fractional, E½SW¼;  
 Sec. 28, E½ all fractional;  
 Secs. 33, 34, 35, all fractional.

T. 17 S., R. 68 E.,  
 Secs. 1, 2, 11, 12, all fractional.

T. 18 S., R. 68 E.,  
 Secs. 7, 8, all;  
 Secs. 9, 12, 13, 14, 16, 17, all fractional;  
 Sec. 18, all;  
 Secs. 19, 20, 23, all fractional;  
 Secs. 24, 25, all;  
 Secs. 26, 30, 31, 34, 35, all fractional;  
 Sec. 36, all.

T. 19 S., R. 68 E.,  
 Secs. 2, 5, 6, 7, 8, 10, 11, 14, 15, 17, all fractional;  
 Secs. 18, 19, all;  
 Secs. 20, 22, all fractional;  
 Secs. 23, 26, all;  
 Secs. 27, 29, all fractional;  
 Sec. 30, all;  
 Secs. 31, 32, 34, all fractional;  
 Sec. 35, all.

T. 20 S., R. 68 E.,  
 Secs. 1, 2, all;  
 Secs. 3, 6, 7, 9, 10, all fractional;  
 Secs. 11, 12, 13, 14, all;  
 Secs. 15, 16, 18, 22, all fractional;  
 Secs. 23, 25, all;  
 Secs. 26, 27, 30, 35, 36, all fractional.

T. 21 S., R. 68 E.,  
 Sec. 1, all fractional.

T. 15 S., R. 69 E.,  
 Sec. 5, all;  
 Sec. 6, NE¼, S½;  
 Sec. 7, all;  
 Sec. 8, NW¼;  
 Secs. 18, 19, 30, all;  
 Sec. 31, all fractional.

T. 16 S., R. 69 E.,  
 Sec. 6, all fractional;  
 Sec. 7, W½ all fractional;  
 Sec. 18, NE¼, SW¼SE¼, N½SE¼, and W½ all fractional;  
 Sec. 19, W½;  
 Sec. 30, W½;  
 Sec. 31, all fractional;  
 Sec. 32, all.

T. 17 S., R. 69 E.,  
 Secs. 4, 5, all;  
 Secs. 6, 7, all fractional;  
 Secs. 8, 9, 10, 15, 16, 17, all;  
 Secs. 18, 19, all fractional;  
 Secs. 20, 21, 28, all;  
 Secs. 29, 30, 32, all fractional;  
 Sec. 33, all.

T. 18 S., R. 69 E.,  
 Sec. 4, all;  
 Secs. 5, 6, 7, all fractional;  
 Secs. 8, 18, 19, 30, 31, all.

T. 20 S., R. 69 E.,  
 Secs. 30, 31, 32, all.

T. 21 S., R. 69 E. (unsurveyed),  
 Secs. 1 through 5, all;  
 Secs. 6, 7, 8, all fractional;  
 Secs. 9 through 15, all;  
 Secs. 16, 17, 21, all fractional;  
 Secs. 22, 23, all;  
 Sec. 24, all land lying within 4 miles of the Colorado River;  
 Secs. 25, 26, all;  
 Secs. 27, 28, 33, 34, 35, all fractional;  
 Sec. 36, all.

T. 22 S., R. 69 E. (unsurveyed),  
 All fractional township.

T. 20 S., R. 70 E. (unsurveyed),  
 Secs. 12, 13, 23, 24, 25, 26, 35, 36, all.

T. 21 S., R. 70 E.,  
 Secs. 1, 2, 3, all;  
 Sec. 4, E½, SE¼NW¼, E½SW¼, SW¼SW¼;

Sec. 8, E½SE¼;  
 Secs. 9, 10, 11, all;  
 Secs. 12, 13, 14, all fractional;  
 Secs. 15, 16, all;  
 Sec. 17, E½E½;  
 Secs. 20, 21, 22, all;  
 Secs. 23, 26, all fractional;  
 Secs. 27, 28, 29, 31, 32, 33, 34, all;  
 Sec. 35, all fractional.

T. 22 S., R. 70 E. (unsurveyed),  
 All fractional township.

T. 20 S., R. 71 E. (unsurveyed),  
 All fractional township.

T. 21 S., R. 71 E. (unsurveyed),  
 All fractional township.

The areas described aggregate approximately 218,930 acres of public land, and 9,880 acres of nonpublic land in Clark County.

Most of the lands described are within the Lake Mead National Recreation Area, established under the authority of the Act of October 8, 1964, 78 Stat. 1039, 16 U.S.C. sec. 460n, and will be administered by the National Park Service in accordance with the provisions of said Act. The remainder of the lands are in the Valley of Fire State Park, are privately owned, or are classified for disposal to the State of Nevada Fish and Game Commission, pursuant to the Act of June 14, 1926, 44 Stat. 741, as amended, 43 U.S.C. sec. 869 et seq. (1964).

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*  
 JANUARY 25, 1971.

[FR Doc. 71-1290 Filed 1-29-71; 8:47 am]

[Public Land Order 4991]

[Oregon 1927]

## OREGON

### Correction of Public Land Order No. 4941

The date of February 13, 1970, shown on the first line of paragraph 2, and the date of February 14, 1970, shown on the first and 10th lines of paragraph 3 of Public Land Order No. 4941 of November 13, 1970, appearing in 35 F.R. 17786 of the issue of November 19, 1970, are hereby corrected to read "February 13, 1971 and February 14, 1971", respectively.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*  
 JANUARY 25, 1971.

[FR Doc. 71-1291 Filed 1-29-71; 8:47 am]

## Title 49—TRANSPORTATION

### Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-61; Amdt. 173-43]

#### PART 173—SHIPPERS

##### Acrolein, Inhibited

The purpose of this amendment is to authorize the transportation of inhibited acrolein, a flammable liquid, in:

1. Class 105A \* \* \* W tank cars having a minimum test pressure of 300 p.s.i. and stenciled "105A200W";

2. Specifications 4B240, 4BA240, and 4BW240 welded steel cylinders; and

3. Specification 51 steel portable tanks.

On October 27, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-61; Notice No. 70-19 (35 F.R. 16643), which proposed this amendment as described above. No comments were received.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.122 paragraph (a) (3) is amended, and paragraph (a) (5) and (6) are added to read as follows:

#### § 173.122 Acrolein, inhibited.

(a) \* \* \*

(3) Specification 105A300W (§§ 179.100 and 179.101 of this chapter) tank cars. Tank cars must be equipped with 150 p.s.i.g. safety relief valves and be stenciled 105A200W. Tank cars must also be stenciled "For Acrolein Only" near the specification number.

NOTE 1: [Canceled]

(5) Specification 4B240, 4BA240, or 4BW240 (§§ 178.50, 178.51, 178.61 of this chapter) welded cylinders each having a water capacity not exceeding 500 pounds.

(6) Specification 51 (§ 178.245 of this chapter) portable tanks each having a water capacity not exceeding 425 gallons.

This amendment is effective June 10, 1971. However, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); Title VI; sec. 502(h), Federal Aviation Act of 1958 (49 U.S.C. 1431-1430, 1473(h)))

Issued in Washington, D.C., on January 6, 1971.

CARL V. LYON,  
*Acting Administrator,*  
*Federal Railroad Administration.*

ROBERT A. KAYE,  
*Director, Bureau of Motor Car-*  
*rier Safety, Federal Highway*  
*Administration.*

SAM SCHNEIDER,  
*Board Member, for the*  
*Federal Aviation Administration.*  
 [FR Doc. 71-1273 Filed 1-29-71; 8:46 am]

[Docket No. HM-59; Amdt. 173-42]

#### PART 173—SHIPPERS

##### Class A Poisons in Cylinders

The purpose of this amendment is to provide for the use of specification DOT-3A, 3AA, and 3E1800 cylinders for the transportation of certain class A poisonous liquids or gases.

On October 10, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket



No. HM-59; Notice No. 70-18 (35 F.R. 16005), proposing to amend the regulations as stated above. No objections were received to the basic proposal, but two commenters objected to certain elements. Several others suggested some editorial changes, of which most were adopted.

One commenter objected to the specificity of the requirement for taper-threaded connections of valves to cylinders, noting the Board's announced intention of striving for performance standards. Another objected to the limitation for the gas pressure at 130° F. to not exceed the service pressure of the cylinder, and to the 6-foot boxed drop test. Both commenters referred to good experience in the shipment of gases in general, under conditions other than were proposed to be required for class A poison liquids and gases. The Board acknowledges that the proposals it made impose more specific and limiting conditions for class A poison shipments. It did so on the basis that the hazard level of a material should be a primary factor in specifying packaging. Consistent with this philosophy, its proposal intended to provide a better package than currently required for nonpoisonous gases or liquids that are otherwise regulated. Also, the proposal generally reflected packaging standards that have been in use for several years under the terms of many special permits. The permit experience has been completely satisfactory and, according to the comments received by one holder of such a permit and an association representing the majority of shippers of class A poisons who hold such permits, implementation of the proposal was recommended.

Editorial changes are being made to insure completeness and consistency between §§ 173.34, 173.327, and 173.328. For example, the sentence "Safety relief devices are forbidden" is being deleted in § 173.327(a), since this is already covered by § 173.34(d)(3); reference to § 173.301(g) is being deleted, as § 173.327 is complete in itself.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.327, paragraph (a) is amended to read as follows:

**§ 173.327 Packing.**

(a) Cylinders must be maintained in compliance with the requirements of § 173.34. Valves must be capable of withstanding the test pressure of the cylinders and must have taper-threaded connections directly to the cylinders (no bushings or straight-threaded connections of valves to cylinders permitted). For corrosive commodities, valves may be of the packed type provided the assembly is made gas-tight by means of a seal cap with compatible gasketed joint to the valve body or to the cylinder to prevent loss of commodity through or past the packing; otherwise the valves must be of the packless type

with nonperforated diaphragms and handwheels. Each valve outlet must be sealed by a threaded cap or a threaded solid plug. The outlet caps and plugs, luting, and gaskets must be compatible with each other, the valve assembly, and the lading.

(1) The pressure of the poison gas at 130° F. must not exceed the service pressure of the cylinder. Cylinders must not be liquid full at 130° F.

(2) Cylinders packed in boxes must have adequate protection for valves. Box and valve protection must be of strength sufficient to protect all parts of cylinders and valves from deformation or breakage resulting from a drop of at least 6 feet onto a concrete floor, impacting at the weakest point. A cylinder not overpacked in a box must be equipped with a protective cap or other means of valve protection which must be capable of preventing damage to or distortion of the valve if it were subjected to an impact test as follows: The cylinder, prepared as for shipment, is allowed to fall from an upright position with the side of the cap or other valve protection striking a solid steel object projecting not more than 6 inches above the floor level.

In § 173.328, paragraph (a)(2) is added to read as follows:

**§ 173.328 Poisonous gases and liquids not specifically provided for.**

(a) \* \* \*

(2) Specification 3A1800, 3AA1800 or 3E1800 (§§ 178.36, 178.37, 178.42) cylinders.

(i) Specifications 3A and 3AA cylinders must not exceed 125 pounds water capacity (nominal). Cylinders must have valve protection or be packed in strong wooden or metal boxes as described in § 173.327(a)(2) of this chapter.

(ii) Specification 3E1800 cylinders must be packed in strong wooden or metal boxes.

This amendment is effective June 10, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 802(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 1472(h)))

Issued in Washington, D.C., on January 6, 1971.

CARL V. LYON,  
Acting Administrator,  
Federal Railroad Administration.

ROBERT A. KAYE,  
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,  
Board Member, for the  
Federal Aviation Administration.  
[FR Doc.71-1272 Filed 1-29-71; 8:46 am]

[Docket No. HM-23; Amdts. 173-41, 177-15]

**PART 173—SHIPPERS**

**PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY**

**Removal of Label Exemption**

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to remove certain exemptions from the labeling requirements in § 173.402 and to make corresponding changes in § 177.815.

On July 23, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-28; Notice 69-20 (34 F.R. 12188), which proposed to remove certain exemptions from the requirements for labeling of packages containing specified classes of hazardous materials. The Board also proposed to cancel § 173.404 (h) since the provision therein is no longer necessary.

As a basis for removing the exemptions the Board said:

Carload and truckload shipments of hazardous materials, except classes A or C poisons, etiologic agents, and radioactive materials, are presently exempt from labeling requirements when such shipments are loaded by the shipper and are unloaded by the consignee from the transport vehicle in which originally loaded. In addition, carload and truckload shipments of classes A or C poisons, etiologic agents, and radioactive materials made by, for, or to the Department of Defense are presently exempt from the labeling requirements if loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded when accompanied by qualified personnel who are supplied with equipment to repair leaks or other container failures which will permit escape of contents.

These labeling exemptions were provided over 30 years ago for rail shipments. The exemptions were later extended to truckload shipments when transported by highway. In either case a car or motor vehicle containing carload or truckload shipments is required to be placarded or marked as prescribed for the hazardous materials contained therein. The placard (or marking) has about the same relationship to the rail car or motor vehicle as the label has to the package. Basically, the label provides precautionary information to the handler of the package and governs the loading or storage of the package while in the custody of the carrier. The placard (or marking) governs the placement of the rail car in a train, is a warning to train crews and operating personnel, and provides precautionary information to persons responding to the scene of an accident. Essentially the same type of safeguards apply to a placarded motor vehicle.

Packages of hazardous materials often are not confined within transport vehicles as a result of collisions, derailments, and overturns. These packages may or may not be intact. Persons engaged in firefighting, cleanup operations, enforcement, and the general public should be afforded sufficient warning of the potential hazards of the materials in packages. Prescribed labels on packages are a means of informing persons of the hazards involved.

There are occurrences when handling personnel, other than those employed by consignees, would come into contact with these hazardous materials even though such events are not contemplated at the time of shipment. Such occurrences as mechanical failure of transport equipment, shipments re-registered to more than one destination, and the placement of shipments temporarily in storage are not uncommon.

The Board believes that the absence of labels from certain packages of hazardous materials even when carried in carload or truckload shipments is no longer justified except for shipments of the Department of Defense which are loaded and unloaded under its supervision and which are escorted by its personnel.

The Board received comments from persons involved in one or more of five areas of interest: (1) The transportation industry; (2) manufacturers of chemicals and explosives; (3) manufacturers and distributors of compressed gases; (4) fire prevention organizations; and (5) government agencies.

Respondents from the transportation industry, government agencies (with one exception) and fire prevention agencies fully supported the proposal. The General Services Administration said, in its supporting statement, "By requiring the individual shipping containers to be labeled with the required hazardous label for the commodity at the initial point of origin or manufacture, inadvertent omission of required label(s) in further shipment of the commodity in less than car or truckload quantities would be eliminated to a substantial degree, further contributing to the safe handling of hazardous commodities in transportation."

The Military Traffic Management and Terminal Service (MTMTS) of the Department of Defense (DOD) objected to the proposal pointing out that many of its shipments are not normally escorted. MTMTS requested that DOD be exempt from labeling requirements for carload or truckload lots either with or without escorts. If not exempted, a considerable number of military items would require labels. The Board was aware that large numbers of packages not presently subject to the labeling requirements would have to be labeled in proposing to remove most of the exemptions. This included shipments by DOD since its shipments are subject to the same types of exposure during transportation. The proposal to maintain the label exemption for shipments being escorted by DOD personnel in separate vehicles is adopted. Otherwise, DOD shipments must be labeled in the same manner as those of commercial shippers, and for the same reasons.

A number of municipal fire departments and fire prevention organizations submitted comments indicating their strong support for the proposal. One fire department recommended adoption of labels as specified in the National Fire Protection Association's Pamphlet No. 704-M. The content of labels is being handled in another rule making action—Docket No. HM-8. The manufacturers of chemicals (other than compressed gases) and explosives, with one exception, indicated their support for the proposal. One manufacturer, commenting in

opposition to the proposal, said "Although we agree with the reasoning given that packages are not necessarily confined within a transport vehicle as a result of a collision, derailment, or overturn, it is highly questionable in our mind that such labeling is going to provide any additional help over and above that provided in placarding to persons engaged in firefighting, cleanup operations, enforcement, and the general public. The cost to many people to apply labels, where they are now exempt from the labeling requirements, such as those shipping cylinders and drummed products, would be extensive without sufficient benefit to the general public." The Board believes that removal of the exemption will be of benefit to the public for the reasons stated in the notice. For shipments by highway, there are occasions when trucks carry certain classes of hazardous materials in quantities of less than 1,000 pounds gross weight. In such cases, exterior markings or placarding is not required on motor vehicles. The label on a package, in many instances, will be the only communication of the potential hazard of the material it contains. The marking of the name of contents on the outside of a package, in compliance with § 173.401, will not always provide immediate communication as to the type of hazard involved. Also, as was stated in the notice, events occur that are not contemplated at the time of shipment such as reconsignments, and transfers due to mechanical failure. The Board is concerned not only with events following collisions, derailments, and overturns, but with such matters as material compatibility. For example, packages of acids bearing white labels must not be loaded near packages of oxidizing materials bearing yellow labels (see §§ 174.538 and 177.848). Labels affixed to packages are one means of effecting compliance with certain of the compatibility requirements.

In general, manufacturers, distributors, and associations of the compressed gas industry indicated strong objection to the proposal. Their principal comments were: (1) The requirement would be an unnecessary duplication of decals presently employed by the industry; (2) it will place an undue burden on shippers; (3) there will be considerable additional expense incurred in shipping millions of cylinders annually; (4) no purpose will be accomplished and no benefit will be provided to the public.

Concerning the first comment, the Board does not agree that the label requirement will be an unnecessary duplication of industry decals. From a review of cylinder shipments, the Board found that cylinders usually did not bear any decal. Further, several of the decals that were observed were not legible. The use of such decals, often containing proprietary legends, are not acceptable as a substitute for the universally accepted diamond-shaped warning label of specified size and color that can be recognized from a considerable distance.

Concerning the second comment, the Board is aware that safety requirements

are often a burden. However, the Board believes that it is not an undue burden to require that packages containing hazardous materials be labeled to communicate the nature of the hazard, unless the hazard is minimized by some other means.

Concerning the third comment, the Board knows that the new safety requirements will cost money in material and labor. Of the large number of comments received, two commenters responded in detail as to cost. One commenter indicated the material and labor cost per cylinder would be approximately 2.4 cents. He indicated that the new requirement would cost his company in excess of \$200,000 per year. The other commenter estimated a cost of 2 cents per label, and an added cost to the liquefied petroleum gas industry of at least 2.8 million dollars annually. The Board has considered the cost of labeling each package of hazardous materials and believes the benefit to the public exceeds the cost.

Concerning the fourth comment, the Board has stated previously what it believes to be the purpose and benefit of the rule change. One commenter provided considerable justification with his proposal that cylinders transported by contract and private carriers be exempt from the labeling requirements. He also stated, "There is probably no container that is more suggestive of its contents or more familiar to the general public than the compressed gas cylinder. This is probably the result of ubiquitous presence of such cylinders at hospitals, building and construction sites, welding shops, auto and body shops, auto repair stations, suburban heating systems, and other locations. Indeed, so well known is the bottle configuration of the compressed gas cylinder that a picture of such a cylinder, without more, is used to represent compressed gas in the United Nations label recommendations and in Federal Aviation Administration regulations for air transportation. Moreover, the Board presently has under consideration, in Docket No. HM-8, a proposal to adopt the same method for representing compressed gas. In view of the foregoing, we are entirely confident that the absence of labels on compressed gas cylinders, when moved in private and contract carriage, would not in any manner diminish or impair the safety of such transportation or increase the hazard to emergency crews and the general public." The Board agrees with the commenter that a compressed gas cylinder itself signifies to some degree the presence of a hazard and acknowledges that the silhouette of a cylinder is being proposed for inclusion on the new label for compressed gases. The Board does not agree that by granting an exemption for all cylinders, as proposed by the commenter, the degree of the hazard will be indicated; therefore, the amendment will provide an exemption only for compressed gases classed as nonflammable when carried by private or contract motor carriers. As a further condition of the exemption, it will apply only to those cylinders that

are not overpacked so that the cylinder configuration will be readily visible in place of the communication of hazard by a warning label.

In reviewing the comments made in response to the notice, the Board believes it necessary to remind all shippers that the requirements of § 173.401(a) apply to all shipments of hazardous materials unless they are specifically exempt from the requirement. Some of the sample decals that were submitted with comments do not conform to the requirements of this section in that the commodity name, as listed in § 172.5, was not included.

Interested persons were afforded an opportunity to participate in this rule making and all comments received have been carefully considered.

In consideration of the foregoing, Parts 173 and 177 of Title 49, Code of Federal Regulations, are amended as follows:

I. Part 173 is amended as follows:

(A) In § 173.402 paragraph (c) is amended; paragraph (d) is added; and paragraph (e) is canceled, as follows:

§ 173.402 Labeling of explosives or other dangerous articles.

(c) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(d) Labels are not required on cylinders containing compressed gases classed as nonflammable, when—

(1) The cylinders are carried by private or contract motor carriers, and

(2) The cylinders are not overpacked.

(e) [Canceled]

(B) In § 173.404 paragraph (h) is canceled as follows:

§ 173.404 Labels.

(h) [Canceled]

II. Part 177 is amended as follows: In § 177.815 paragraphs (a) and (b) are amended; paragraph (c) is added, and paragraph (d) is canceled as follows:

§ 177.815 Labels.

(a) Labels prescribed in §§ 173.402 through 173.414 of this chapter must have been applied to packages by the shipper, unless exempted from the labeling requirements, the exemption being noted on the shipping papers.

(b) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(c) Labels are not required on cylinders containing compressed gases classed as nonflammable when—

- (1) The cylinders are carried by private or contract motor carriers, and
  - (2) The cylinders are not overpacked.
- (d) [Canceled]

This amendment is effective June 10, 1971. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h))

Issued in Washington, D.C., on December 8, 1970.

CARL V. LYON,  
Acting Administrator,  
Federal Railroad Administration.

ROBERT A. KAYE,  
Director, Bureau of Motor Car-  
rier Safety, Federal Highway  
Administration.

SAM SCHNEIDER,  
Board Member, for the  
Federal Aviation Administration.

[FR Doc.71-1271 Filed 1-29-71; 8:45 am]

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1038]

## PART 1033—CAR SERVICE

Penn Central Transportation Co. et al.  
To Unload Certain Cars of Beets  
Held at Morrisville, Pa.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 25th day of January 1971.

It appearing, that there is a critical shortage of hopper cars throughout the country; that numerous shippers are unable to secure the hopper cars required for transportation of their traffic; that certain shippers load substantial numbers of such hopper cars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that fourteen such cars are being held by the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, at Morrisville, Pa., commencing with various dates between November 14, 1970, and November 29, 1970; that the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other

shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1058 Service Order No. 1058.

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall unload the following cars containing beets, and held at Morrisville, Pa.

PRR 668037	PRR 278747	NYC 901587
PRR 274283	PRR 674359	PRR 278439
PRR 267449	PRR 671963	PRR 249355
NYC 900795	PRR 279238	PRR 278473
PRR 673673	NYC 906281	

(b) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 13, 1971.

(c) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees, its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., January 26, 1971.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 13, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American

Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1302 Filed 1-29-71;8:48 am]

[S.O. 1061]

## PART 1033—CAR SERVICE

### Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of January 1971.

It appearing, that an acute shortage of hopper cars exists on the railroad named in section (a) paragraph 1 herein; that shippers located on the lines of this carrier are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

*It is ordered, That:*

#### § 1033.1061 Service Order No. 1061.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph, all hopper cars owned by the Missouri-Kansas-Texas Railroad Co.<sup>1</sup>

(2) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad, provided such loading is available at unloading point. Backhauling of empties is prohibited.

<sup>1</sup> Cars bearing Reporting Marks MKT or BKTY.

(3) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, ICC R.E.R. No. 376, issued by E. J. McFarland, or reissues thereof.

(c) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., January 27, 1971.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., March 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

*It is further ordered,* That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1303 Filed 1-29-71;8:48 am]

## Title 32A—NATIONAL DEFENSE, APPENDIX

### Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 29]

#### OIL REG. 1—OIL IMPORT REGULATION

##### Petrochemical Allocations

This amendment of section 9 of Oil Import Regulation 1 (Revision 5) pro-

vides for the making of allocations of imports of crude oil and unfinished oils for petrochemical plants in Districts I-IV and District V for the allocation period January 1, 1971 through December 31, 1971.

While the Administrator, Oil Import Administration, shall make allocation of imports of crude oil and unfinished oils under section 9 for the 12-month period January 1, 1971 through December 31, 1971, pending a decision on the proposed amendment to section 7 which appeared in the FEDERAL REGISTER for November 28, 1970 (35 F.R. 18209), he is directed to issue, under each such allocation which is in excess of 1,300,000 barrels, a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is the greater. If such an allocation does not exceed 1,300,000 barrels, a license shall be issued in the full amount of the allocation.

This amendment of section 9 makes no changes in the system of allocating imports of crude oil and unfinished oils to petrochemical plants in Districts I-IV and District V. The formulation of orderly programs of importation, including those involving exchanges of oil, depend upon the making of allocations and the issuance of license thereunder. In the circumstances, the public interest would not be served either by giving notice of proposed rulemaking or by delaying the effective date of this amendment. Accordingly, this Amendment 29 shall be effective immediately.

Section 9 of Oil Import Regulation 1 (Revision 5) (34 F.R. 19975) is amended to read as follows:

#### Sec. 9 Allocations; petrochemical plants; Districts I-IV, District V.

(a) For the allocation period January 1, 1971, through December 31, 1971, each eligible person with a petrochemical plant in Districts I-IV shall receive an allocation of imports of crude oil and unfinished oils equal to the average or persons will require a transfer of inputs to his petrochemical plants in these districts during the year ending September 30, 1970, multiplied by 11.2 percent.

(b) For the allocation period January 1, 1971, through December 31, 1971, each eligible person with a petrochemical plant in District V shall receive an allocation of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the year ending September 30, 1970, multiplied by 11.9 percent.

(c) No allocation for Districts I-IV made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation, and no allocation for District V made pursuant to this section or section 25 shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation. However, a person obtaining an allocation for imports of crude oil and unfinished oils pursuant to this section or section 25 may petition the Administrator to adjust the percentage of

imports of unfinished oils upward to 100 percent of such person's allocation if the petitioner certifies that the imported unfinished oils will not be exchanged, that the oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals or that more than 75 percent (by weight) of recovered product output will consist of petrochemicals.

(d) Each allocation made pursuant to this section shall be reduced by the amount of any licenses issued to the ap-

plicant under an interim allocation for the allocation period.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Dated: January 28, 1971.

FRED J. RUSSELL,  
*Under Secretary of the Interior.*

I concur: January 28, 1971.

G. A. LINCOLN,  
*Director, Office of  
Emergency Preparedness.*

[FR Doc. 71-1423 Filed 1-29-71; 10:34 am]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[ 7 CFR Part 1125 ]

[Docket No. AO-226-A23]

### MILK IN PUGET SOUND MARKETING AREA

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Banquet Hall, Norway Center (Norselander Restaurant), 300 Third Avenue West, Seattle, WA, beginning at 9:30 a.m., local time, on February 9, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Puget Sound Producers' Class I Base Plan Committee:

*Proposal No. 1—A. General nature of plan.* The plan will be based upon a 3-year rolling average of production during the base-earning period with production history protected for producers who decrease production.

At the beginning of the plan, persons who delivered milk during at least the last 4 months of the base-earning period shall be given a specific base immediately. Such base shall be computed in a manner so that equity is maintained between producers who are using deliveries over a 3-year period and those producers with a shorter association with the market. Within 3 years, all producers will be using the same base-earning period.

After the effective date of the plan, established producers entering through plants becoming regulated shall immediately be issued bases equitable with other producers in the market. Established producers entering by transfer from another market shall within 90 days be issued bases equitable with other producers in the market.

After the effective date of the plan, persons who begin milk production in

the market shall within 90 days be given base milk or a Class I base which is appropriate according to the current supply and demand conditions in the market and the effects on other producers. Within 3 years, such beginning producers will be on equity with old producers.

Only continuous production can be used to establish a production history base. A break in deliveries of 60 days or more, either before or after the effective date of the new plan, shall cause forfeiture of history of production prior to that 60-day break, except where the break was due to hardship or other conditions beyond the control of the producer.

The following paragraphs outline the general conditions for determining production history bases, Class I bases, and base rules.

*B. Base earning period for production history bases.* A producer's share in the market should be based upon his demonstrated ability to produce. Production history bases should be determined as follows:

1. The full base earning period should be the market's 4 lowest months of production in each of the last 3 calendar years. For the initial issuance of production histories, the calendar years of 1968, 1969, and 1970 would be used.

Because of the severe storm conditions in parts of December 1968, January 1969, and February 1969 which prevented normal delivery of milk in certain areas of the milk shed, if any of those months are among the 4 lowest months of those calendar years, the production history of producers who could not deliver milk because of storm conditions and were forced to dump milk at the farm shall be adjusted by determining a daily average delivery from the actual days of delivery by those producers in such months.

2. A production history base may be determined from deliveries in parts of 1, 2, or 3 years if the producer did not deliver in all of 3 calendar years.

3. If a producer delivers milk during at least the last 4 months of a calendar year, he shall be considered as having delivered in that calendar year for purposes of determining a production history base. His deliveries in the last 4 months of a year shall be adjusted to reflect the market's 4 lowest months of production in that calendar year and used to determine his history of production. This adjustment is to insure that production by such producers in a portion of a calendar year which is used to determine a production history base will be equitable with production of other producers during the market's 4 lowest months of production.

4. A production history base once issued and not transferred or forfeited will be protected for future years if a

producer reduces his production, but not below the Class I base issued to him, and such production history base meets the following criteria:

a. It was used to determine a Class I base under the Class I base plan effective September 1, 1967, and the producer has not transferred or forfeited the Class I base issued to him under those provisions, or

b. The production history base was issued under the new plan and was based upon deliveries in 3 calendar years, and

c. It was not based either wholly or partially upon production history received by transfer other than under the intrafamily provisions, or that transferred as protected production history base.

*C. Method to determine the first production history bases for different categories of producers under the new plan.*

1. For a producer who delivered milk in all of 1968, 1969, and 1970.

Use an average determined by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months, except that

a. A person issued a Class I base under the provisions which became effective September 1, 1967, and who retained and used such base in all months after its issuance may use the production history from which his Class I base was determined if it was higher than the average deliveries determined above.

2. For a producer delivering milk when the new plan starts and who did not deliver milk in all of 1968, 1969, and 1970.

a. A producer who has delivered at least the last 4 months of 1968 and all of 1969 and 1970 shall have his eligible deliveries during a 12-month period divided by the number of days in that 12-month period and shall use that average as his history of production.

b. A producer who has delivered at least the last 4 months of 1969 and all of 1970 shall have his eligible deliveries during an 8-month period divided by the number of days in that 8-month period and shall use 80 percent of that average as his history of production.

c. A producer who has delivered at least the last 4 months of 1970 shall have his eligible deliveries during a 4-month period divided by the number of days in that 4-month period and shall use 60 percent of that average as his history of production.

d. For a producer who starts deliveries after September 1, 1970, a production history base will not be issued at the start of the new plan, but he will be given base milk according to paragraph 5 below until he is issued a production history base on a subsequent February 1.

3. For producers who enter the market after a new plan is issued.



a. Persons who become producers because the plant to which they ship milk becomes regulated shall have a production history base determined as if they had been old producers pursuant to paragraphs 1 and 2, above.

b. Persons who were producers for another market and who start delivering milk to this market from the farm operated during the base-earning period shall receive only the Class III price for their deliveries up to their first 90 days of production. They will then have a production history base determined from deliveries from the farm operated during the base-earning period as for old producers pursuant to paragraphs 1 and 2, above. Such base would be usable only from that same farm.

c. Persons who begin milk production shall receive only the Class III price for up to their first 90 days of delivery. They would then receive base milk pursuant to paragraph 5, below, until they were issued a production history base on a succeeding February 1 from procedures as outlined in paragraph 2, above.

4. Persons who previously held a designation as a producer-handler shall have a production history base determined when they become a producer as for old producers pursuant to paragraphs 1 and 2, above.

5. Producers who are not issued a production history base and, therefore, cannot be issued a Class I base, shall be allowed base milk by use of a percentage which will reflect their association with the market and the supply-demand relationship of the market in the previous year. This percentage shall be determined by multiplying the percentage used to adjust production history bases to Class I bases by 40 percent.

D. *Amount of Class I base to issue.* 1. At the start of the new plan the total Class I base to be issued will be the average daily usage of Class I milk during the calendar year 1970 plus a 20-percent reserve.

2. On each February 1 thereafter the amount of Class I base to be issued will be the average daily usage of Class I milk during the preceding calendar year plus a 20-percent reserve.

E. *Calculation of percentage to use to determine Class I base from production history base.* A percentage shall be calculated by dividing the Class I base to be issued by the sum of the production history bases determined for producers. A percentage will be determined when the new plan becomes effective and then a new percentage shall be determined on succeeding February 1's. A percentage once determined shall be used until the next February 1 for determining all Class I bases to be issued and for determining the percentage to be used in allocating base milk to producers who were not issued a Class I base.

F. *Reallocation of bases.* Production history bases and Class I bases will be updated or reallocated on February 1 of each year according to the following procedures:

1. A production history base will be determined for each eligible producer and will be the higher of the following:

a. A producer's protected production history base; or

b. A base determined as follows:

For a producer delivering milk in all of the last 3 calendar years—an average computed by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months.

For any other producer—an average computed from procedures as outlined in paragraph C2, above, for the longest period available.

2. A Class I base will be determined by multiplying the appropriate production history for each producer by the percentage determined under paragraph E.

G. *Forfeiture of bases (base rules).* Producers who are issued production history bases and Class I bases but do not make use of those bases should forfeit bases as provided below.

1. A producer who does not deliver the average of his Class I base in the market's 4 lowest months of production in a calendar year shall forfeit, on the next February 1, a portion of his protected production history base. He should forfeit protected production history base in proportion to the amount that Class I base held exceeds his average delivery during those 4 months.

2. A person holding a Class I base who does not deliver producer milk to the market for a period of 60 consecutive days shall immediately forfeit all production history base and Class I base held and all credit for deliveries made prior to the 60-day period of nondelivery. When such a producer returns to the market, he shall begin to earn a production history base as for any other person beginning production. His deliveries up to his first 90 days shall be paid for at the Class III price and after that he shall receive base milk and/or a Class I base provided in paragraph C, above.

H. *Transfers of base.* Transfer of base should be permitted so as to encourage new producers to acquire base by transfer rather than to earn bases. It should also permit an old producer to acquire additional base by transfer rather than only by increasing production. The base rules should be such as to prevent bases from taking on an unreasonable value.

1. Both production history bases and Class I bases may be transferred from one producer to another under the conditions specifically set out below.

2. Transfers may be made intrafamily without restrictions when a herd and farm is transferred as an operating unit. This will include transfers to an estate and from an estate to a member of the family.

Also, any transfers of Class I base within a family under the current Class I base plan which was associated with the transfer of a herd and farm shall be allowed the production history base issued under the plan which became effective September 1, 1967, and any production delivered by the transferor pro-

ducer during the base-earning period and prior to the effective date of the new plan shall be assumed to have been delivered by the transferee for use in computing a production history base under the new plan.

3. The rules for requesting transfer of base, the person to whom base can be transferred, the amounts of base that can be transferred, and the effective date of transfer under the current order provisions are contained in § 1125.123. Paragraphs (a) (7), (8), and (9), and (b), (c), and (f) are to be changed by other provisions of this proposal. The remaining portions of § 1125.123 should remain the same except for the inclusion of references to production history base as well as to Class I base.

4. Transfers which are not intrafamily pursuant to paragraph 2, above, shall be subject to the following conditions:

a. Of the amount of production history base and Class I base to be transferred by the transferor producer, 25 percent shall be forfeited and the other 75 percent may be transferred to the other producer.

b. A portion of the production history base received by the transferee producer may be used with his own deliveries to determine production history bases in the succeeding 3 years. Also, some portion of the production history base received by transfer should be added to the protected production history base of the transferee producer.

c. The transferor producer's Class I base, credit for production in months used to determine future production history bases, and protected production history base shall be reduced by the transfers and forfeitures above.

5. There should be no time restrictions on the transfer of production history base and Class I base after base has been received by transfer. Because of the forfeiture provisions on transfers, it is not necessary to retain the 1 year provision in the current order.

6. Time restrictions should be placed on the transfer of production history base and Class I base after issuance of such bases to producers under certain conditions. This will require such producers to demonstrate their permanent association with the market before they are permitted to transfer bases to other producers. These restrictions should be as follows:

a. Bases issued to beginning producers should not be transferable until 3 years after production history and Class I bases are first issued to the producer.

b. Bases issued to producers pursuant to the producer-handler provision, the nonpool plant provision, and the producers for other market provision should not be transferable until 3 years after production history bases and Class I bases are first issued to the producer.

7. If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of

bases and compliance with all base rules currently in effect.

8. A person who transfers all of his production history base and Class I base to other persons after the new plan begins shall receive only the Class III price for his deliveries of milk for a period of 1 year after the transfer of his production history base and Class I base. He must then start earning a production history base according to the new provisions, but deliveries prior to the expiration of the 1-year period cannot be used towards the earning of a new base. The same provisions shall apply to any operation using the same herd and/or other production facilities if the new operator is a member of the immediate family of the producer who transferred his production history base and Class I base, is an affiliate of such a person, or is a business unit of which such a person is a part.

9. There should be no provisions which will increase excessively the value of bases, require issuance of base certificates, or require notification of clearance of pending transfers with third parties.

I. *Hardship provisions.* Hardship provisions similar to those in § 1125.124 of the current Class I base plan provisions should be included in the new Class I base plan.

1. The provisions of § 1125.124(a) should be revised to permit producers who are not issued a Class I base or those who feel that their Class I base is not appropriate because of unusual conditions during the base-earning period to request a review after bases are first issued under the new plan and after bases are issued on each succeeding February 1.

2. The provisions of § 1125.124(c)(3)(i) and (ii) should authorize a producer base committee to grant or adjust production history bases where it appears appropriate. They should also permit the committee to delay forfeiture of production history base and/or Class I base or to restore forfeited bases where appropriate. The committee should also be authorized to permit transfer of base not otherwise permissible under the order provisions if the committee feels such transfer is appropriate.

Proposed by the Equal Marketing Committee:

*Proposal No. 2—A. General nature of plan.* The plan will be based upon a 3-year rolling average of production during the base-earning period with production history protected for producers who decrease production.

At the beginning of the plan, persons who delivered milk during at least the last 4 months of the base-earning period or during the last 7 months before the effective date of the new plan shall be given a specific base immediately. Such base shall be computed in a manner so that equity is maintained between producers who are using deliveries over a 3-year period and those producers with a shorter association with the market. Within 3 years, all producers will be using the same base-earning period.

After the effective date of the plan, established producers entering through

plants becoming regulated shall immediately be issued bases equitable with other producers in the market. Established producers entering by transfer from another market shall within 90 days be issued bases equitable with other producers in the market.

After the effective date of the plan, persons who begin milk production in the market shall within 90 days be given base milk or a Class I base which is appropriate according to the current supply and demand conditions in the market and the effects on other producers. Within 3 years, such beginning producers will be on equity with old producers.

Only continuous production can be used to establish a production history base. A break in deliveries of 60 days or more, either before or after the effective date of the new plan, shall cause forfeiture of history of production prior to that 60-day break, except where the break was due to hardship or other conditions beyond the control of the producer.

In computing production history bases and Class I bases, a producer shall not receive any credit for Class I base received by transfer under the provisions of the Class I base plan which became effective September 1, 1967, unless the transfer was within the family.

The following paragraphs outline the general conditions for determining production history bases, Class I bases, and base rules.

B. *Base earning period for production history bases.* A producer's share in the market should be based upon his demonstrated ability to produce. Production history bases should be determined as follows:

1. The full base-earning period should be the market's 4 lowest months of production in each of the last 3 calendar years. For the initial issuance of production histories, the calendar years of 1968, 1969, and 1970 would be used.

Because of the severe storm conditions in parts of December 1968, January 1969, and February 1969, which prevented normal delivery of milk in certain areas of the milk shed, if any of those months are among the 4 lowest months of those calendar years, the production history of producers who could not deliver milk because of storm conditions and were forced to dump milk at the farm shall be adjusted by determining a daily average delivery from the actual days of delivery by those producers in such months.

2. A production history base may be determined from deliveries in parts of 1, 2, or 3 years if the producer did not deliver in all of 3 calendar years.

3. If a producer delivers milk during at least the last 4 months of a calendar year, he shall be considered as having delivered in that calendar year for purposes of determining a production history base. His deliveries in the last 4 months of a year shall be adjusted to reflect the market's 4 lowest months of production in that calendar year and used to determine his history of production. Also, a producer who delivers milk in at least the last 7 months before

the effective date of the new plan shall be considered as having delivered in the base-earning period. His deliveries in the first 4 of those 7 months shall be adjusted to reflect the market's 4 lowest months of production in the last calendar year and used to determine his history of production. This adjustment is to insure that production by such producers in a portion of a calendar year which is used to determine a production history base will be equitable with production of other producers during the market's 4 lowest months of production.

4. A production history base once issued will be protected for future years if a producer reduces his production, but not below the Class I base issued to him, and such production history base meets the following criteria:

a. It was used to determine a Class I base under the Class I base plan effective September 1, 1967, or .

b. The production history base was issued under the new plan and was based upon deliveries in 3 calendar years, and

c. It was not based either wholly or partially upon production history received by transfer other than under the intrafamily provisions, or that transferred as protected production history base.

C. *Method to determine the first production history bases for different categories of producers under the new plan.*

1. For a producer who delivered milk in all of 1968, 1969, and 1970.

Use an average determined by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months, except that a person issued a Class I base under the provisions which became effective September 1, 1967, may use the production history from which his Class I base was determined if it was higher than the average deliveries determined above.

2. For a producer delivering milk when the new plan starts and who did not deliver milk in all of 1968, 1969, and 1970.

a. A producer who has delivered at least the last 4 months of 1968 and all of 1969 and 1970 shall have his eligible deliveries during a 12-month period divided by the number of days in that 12-month period and shall use that average as his history of production.

b. A producer who has delivered at least the last 4 months of 1969 and all of 1970 shall have his eligible deliveries during an 8-month period divided by the number of days in that 8-month period and shall use 80 percent of that average as his history of production.

c. A producer who has delivered at least the last 4 months of 1970 shall have his eligible deliveries during a 4-month period divided by the number of days in that 4-month period and shall use 60 percent of that average as his history of production.

Also, a producer who has delivered at least the last 7 months before the effective date of the plan shall use 60 percent of the average of his adjusted eligible deliveries during the first 4 months of



that 7-month period as his history of production.

d. For a producer who starts deliveries later than 7 months before the effective date of the new plan, a production history base will not be issued at the start of the new plan, but he will be given base milk according to paragraph 5 below until he is issued a production history base on a subsequent February 1.

3. For producers who enter the market after a new plan is issued.

a. Persons who become producers because the plant to which they ship milk becomes regulated shall have a production history base determined as if they had been old producers pursuant to paragraphs 1 and 2, above.

b. Persons who were producers for another market and who start delivering milk to this market from the farm operated during the base-earning period shall receive only the Class III price for their deliveries up to their first 90 days of production. They will then have a production history base determined from deliveries from the farm operated during the base-earning period as for old producers pursuant to paragraphs 1 and 2, above. Such base would be usable only from that same farm.

c. Persons who begin milk production shall receive only the Class III price for up to their first 90 days of delivery. They would then receive base milk pursuant to paragraph 5, below, until they were issued a production history base on a succeeding February 1 from procedures as outlined in paragraph 2, above.

4. Persons who previously held a designation as a producer-handler shall have a production history base determined when they become a producer as for old producers pursuant to paragraphs 1 and 2, above.

5. Producers who are not issued a production history base and, therefore, cannot be issued a Class I base, shall be allowed base milk by use of a percentage which will reflect their association with the market and the supply-demand relationship of the market in the previous year. This percentage shall be determined by multiplying the percentage used to adjust production history bases to Class I bases by 40 percent.

D. *Amount of Class I base to issue.*  
1. At the start of the new plan the total Class I base to be issued will be the average daily usage of Class I milk during the calendar year 1970 plus a 20 percent reserve.

2. On each February 1 thereafter the amount of Class I base to be issued will be the average daily usage of Class I milk during the preceding calendar year plus a 20 percent reserve.

E. *Calculation of percentage to use to determine Class I base from production history base.* A percentage shall be calculated by dividing the Class I base to be issued by the sum of the production history bases determined for producers. A percentage will be determined when the new plan becomes effective and then a new percentage shall be determined on succeeding February 1's. A percentage

once determined shall be used until the next February 1 for determining all Class I bases to be issued and for determining the percentage to be used in allocating base milk to producers who were not issued a Class I base.

F. *Reallocation of bases.* Production history bases and Class I bases will be updated or reallocated on February 1 of each year according to the following procedures:

1. A production history base will be determined for each eligible producer and will be the higher of the following:

a. A producer's protected production history base; or

b. A base determined as follows:

For a producer delivering milk in all of the last 3 calendar years—an average computed by dividing his deliveries during the market's 4 low months of each of the last 3 calendar years by the number of days in those 12 months.

For any other producer—an average computed from procedures as outlined in paragraph C 2, above, for the longest period available.

2. A Class I base will be determined by multiplying the appropriate production history for each producer by the percentage determined under paragraph E.

G. *Forfeiture of bases (base rules).* Producers who are issued production history bases and Class I bases but do not make use of those bases should forfeit bases as provided below.

1. A producer who does not deliver the average of his Class I base in the market's 4 lowest months of production in a calendar year shall forfeit, on the next February 1, a portion of his protected production history base. He should forfeit protected production history base in proportion to the amount that Class I base held exceeds his average delivery during those 4 months.

2. A person holding a Class I base who does not deliver producer milk to the market for a period of 60 consecutive days shall immediately forfeit all production history base and Class I base held and all credit for deliveries made prior to the 60-day period of nondelivery. When such a producer returns to the market, he shall begin to earn a production history base as for any other person beginning production. His deliveries up to his first 90 days shall be paid for at the Class III price and after that he shall receive base milk and/or a Class I base provided in paragraph C 3, above.

H. *Transfers of base.* Transfer of base should be permitted so as to encourage new producers to acquire base by transfer rather than to earn bases. It should also permit an old producer to acquire additional base by transfer rather than only by increasing production. The base rules should be such as to prevent bases from taking on an unreasonable value.

1. Both production history bases and Class I bases may be transferred from one producer to another under the conditions specifically set out below.

2. Transfers may be made intrafamily without restrictions when a herd and farm is transferred as an operating unit.

This will include transfers to an estate and from an estate to a member of the family.

Also, any transfers of Class I base within a family under the current Class I base plan which was associated with the transfer of a herd and farm shall be allowed the production history base issued under the plan which became effective September 1, 1967, and any production delivered by the transferor producer during the base-earning period and prior to the effective date of the new plan shall be assumed to have been delivered by the transferee for use in computing a production history base under the new plan.

3. The rules for requesting transfer of base, the person to whom base can be transferred, the amounts of base that can be transferred, and the effective date of transfer under the current order provisions are contained in § 1125.123. Subsections (a) (7), (8), (9), and (b), (c), and (f) are to be changed by other provisions of this proposal. The remaining portions of § 1125.123 should remain the same except for the inclusion of references to production history base as well as to Class I base.

4. Transfers which are not intrafamily pursuant to paragraph 2, above, shall be subject to the following conditions:

a. Of the amount of production history base and Class I base to be transferred by the transferor producer, 25 percent shall be forfeited and the other 75 percent may be transferred to the other producer.

b. Production history base received by the transferee producer may be used with his own deliveries to determine production history bases in the succeeding 3 years as follows:

On the 1st following February 1, 67 percent of amount received.

On the 2nd following February 1, 45 percent of amount received.

On the 3rd following February 1, 30 percent of amount received.

c. The protected production history base of the producer receiving the base may be increased by 30 percent of the production history base transferred.

d. A production history base determined while using transferred production history cannot be used as a protected production history base.

e. The transferor producer's Class I base, credit for production used to determine future production history bases, and protected production history base shall be reduced pro rata by the transfers and forfeitures above.

5. There should be no time restrictions on the transfer of production history base and Class I base after base has been received by transfer. Because of the forfeiture provisions on transfers, it is not necessary to retain the 1-year provision in the current order.

6. Time restrictions should be placed on the transfer of production history base and Class I base after issuance of such bases to producers under certain conditions. This will require such producers to demonstrate their permanent

association with the market before they are permitted to transfer bases to other producers. These restrictions should be as follows:

a. Bases issued to beginning producers should not be transferable until 3 years after production history and Class I bases are first issued to the producer, except that if a producer discontinues dairy production, his base may be transferred effective on the first day of the next month.

b. Bases issued to producers pursuant to the producer-handler provision, the nonpool plant provision, and the producers for other market provision should not be transferable until 3 years after production history bases and Class I bases are first issued to the producer.

7. If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules currently in effect.

8. A person who transfers all of his production history base and Class I base to other persons after the new plan begins shall receive only the Class III price for his deliveries of milk for a period of 1 year after the transfer of his production history base and Class I base. He must then start earning a production history base according to the new provisions, but deliveries prior to the expiration of the 1-year period cannot be used towards the earning of a new base. The same provisions shall apply to any operation using the same herd and/or other production facilities if the new operator is a member of the immediate family of the producer who transferred his production history base and Class I base, is an affiliate of such a person, or is a business unit of which such a person is a part.

9. There should be no provisions which will increase excessively the value of bases, require issuance of base certificates, or require notification of clearance of pending transfers with third parties.

I. *Hardship provisions.* Hardship provisions similar to those in § 1125.124 of the current Class I base plan provisions should be included in the new Class I base plan.

1. The provisions of § 1125.124(a) should be revised to permit producers who are not issued a Class I base or those who feel that their Class I base is not appropriate because of unusual conditions during the base-earning period to request a review after bases are first issued under the new plan and after bases are issued on each succeeding February 1.

2. The provisions of § 1125.124(c) (3) (i) and (ii) should authorize a producer base committee to grant or adjust production history bases where it appears appropriate. They should also permit the committee to delay forfeiture of production history base and/or Class I base or to restore forfeited bases where appropriate. The committee should also be authorized to permit transfer of base

not otherwise permissible under the order provisions if the committee feels such transfer is appropriate.

Proposed by William Brouwer, Lynden, Washington:

*Proposal No. 3.* Provide that all producers be paid the same uniform price irrespective of their deliveries in any preceding period.

Proposed by Mrs. Glen Hardy, Everett, Washington:

*Proposal No. 4.* Provide that all producers receive the same blend price for all milk.

Proposed by the Dairy Division, Consumer and Marketing Service:

*Proposal No. 5.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Nicholas L. Keyock, 16 West Harrison Street, Seattle, WA 98119, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 27, 1971.

CLAYTON YEUTTER,  
Administrator,  
Consumer and Marketing Service.

[FR Doc.71-1316 Filed 1-29-71;8:49 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 14, 121]

[Docket No. FDC-79]

### COCOA WITH DIOCTYL SODIUM SULFOSUCCINATE FOR MANUFACTURING

#### Standard of Identity and Food Additive Regulations; Proposed Findings of Fact, Conclusions, and Tentative Order Following Public Hearing

In the matter of establishing a standard of identity and food additive regulations for cocoa with dioctyl sodium sulfosuccinate for manufacturing:

#### HISTORY

1. In the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19197), a notice was published proposing establishment of a standard of identity (§ 14.14) for cocoa with dioctyl sodium sulfosuccinate for manufacturing. The proposal was based on a food standard petition submitted by American Cyanamid Co., Fine Chemicals Department, Pearl River, N.Y. 10965. Also published December 24, 1968 (33 F.R. 19203), was a notice of filing of a food additive petition (FAP 6J2039) by the same firm proposing that food additive regulation § 121.1137 be amended to provide for safe use of dioctyl sodium

sulfosuccinate as a dispersing agent in cocoa and proposing issuance of a new food additive regulation to provide for safe use of "cocoa with dioctyl sodium sulfosuccinate for manufacturing" in dry beverage bases.

2. Received comments were considered and in the FEDERAL REGISTER of July 23, 1969 (34 F.R. 12177), a food standard order was published adding said standard of identity (§ 14.14) to Part 14. The order, issued under sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act, provided 30 days for filing objections and a 60-day delay in effective date. Also published July 23, 1969 (35 F.R. 12178), was a food additive order acting on FAP 6J2039 by adding paragraph (e) to § 121.1137 and by adding § 121.1229 to Part 121. This order, issued under section 409 of the act, provided 30 days for filing objections but was effective on its date of publication.

3. In the FEDERAL REGISTER of December 3, 1969 (34 F.R. 19140), notice was given that the Chocolate Manufacturers Association of the United States of America, Washington, D.C. 20006, had filed objections to said orders and requested a public hearing. The Commissioner of Food and Drugs concluded that reasonable grounds had been given for a hearing on the issue of whether dioctyl sodium sulfosuccinate in cocoa would accomplish its intended effect; that is, to rapidly disperse cocoa in dry beverage bases when such bases are being mixed with water or milk. (The Commissioner rejected the other objections by said Association, having concluded they were not supported by reasonable grounds.) Accordingly, the effective date of §§ 14.14, 121.1137(e), and 121.1229 was stayed pending resolution of said issue at a public hearing.

4. In the FEDERAL REGISTER of March 31, 1970 (35 F.R. 5347), a notice was published scheduling the hearing to begin May 4, 1970, for the purpose of receiving evidence relevant and material to said issue, and also scheduling a prehearing conference for April 27, 1970, for stated purposes.

5. The prehearing conference began and was completed April 27, 1970; the public hearing began May 4, 1970, and was concluded May 5, 1970. Four expert witnesses were called by the petitioner (American Cyanamid Co.) and five were called by the objector (Chocolate Manufacturers Association).

6. On June 25, 1970, the Hearing Examiner, Mr. William E. Brennan, submitted his report in this matter to the Commissioner of Food and Drugs. The report is part of the public record, Docket No. FDC-79, on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852.

Having considered the record of the public hearing, the Hearing Examiner's Report dated June 25, 1970, and other relevant material, the Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 409, 701, 52 Stat. 1046,

1055, as amended 70 Stat. 919, 72 Stat. 948; 72 Stat. 1785-88, as amended; 21 U.S.C. 341, 348, 371), under authority delegated to him (21 CFR 2.120), and in accordance with 21 CFR 2.97, proposes the following findings of fact, conclusions, and final order in this matter:

#### PROPOSED FINDINGS OF FACT<sup>1</sup>

1. For the purposes of this matter, dispersibility is the ability of a substance to be wetted by a liquid and to go into suspension. Substances such as cocoa do not readily disperse in a liquid and will settle out after a relatively short period of time. (Tr. 76-77.)

2. At least two methods are presently utilized by cocoa manufacturers to increase dispersibility of cocoa: Instantizing or agglomerating and use of lecithin. (Tr. 87, 111, 124, 191-92, 223-26.)

3. Lecithin is a wetting agent that has been used by industry, some of whom consider their methods of addition of lecithin to be proprietary. Although it is less expensive than dioctyl sodium sulfosuccinate (DSS), it seems to lose its wetting power as the product ages, which DSS does not. More lecithin than DSS must be used to achieve increased wettability, which replaces some of the cocoa in the finished product. The present cocoa standards do not include lecithin as a permitted ingredient, although it may be used in nonstandardized dry beverage mixes containing cocoa. (Tr. 111, 112-13, 124, 191-92, 194, 215, 216-17, 227-28, 330-31.)

4. Agglomeration is the tendency of powder particles to form larger aggregates or particles. These particles are more readily dispersible because they are able to break through the surface tension of the liquid and become wet more rapidly than very fine particles. (Tr. 66, 78, 111, 280.)

5. Instantizing is the most commonly used process for making cocoa beverage mixes more wettable. In this process the mixture of cocoa powder (which may be lecithinated), sugar, and (sometimes) milk solids is passed through a very humid atmosphere and then allowed to fall through a chamber in which there is hot air to dry it. This results in agglomeration of the individual particles of the mix. Instantizing is an expensive method that is not economically feasible for some smaller manufacturers. Small manufacturers are interested in the availability of a product such as DSS. Members of the Chocolate Manufacturers Association have received many requests from customers for DSS-treated cocoa. Use of DSS would allow these manufacturers to compete with dry chocolate mixes presently on the market which are nonstandardized products containing lecithinated cocoa. (Tr. 111-12, 114, 205, 208, 262, 341-42.)

6. Several instantizing methods and methods of adding lecithin by the manufacturer are considered to be proprietary.

<sup>1</sup>The abbreviations in the citations are: "Tr." for transcript pages of the hearing; "P." for exhibits introduced by the petitioner; and "O." for exhibits introduced by the objector.

At least one method is patented. (Tr. 215, 226.)

7. DSS is a well known wetting agent that is presently approved for such use in several food products; it is used as a solubilizing agent in certain gums. (Tr. 253, 292.)

8. Cocoa is treated with DSS by dissolving the DSS in a solvent and adding the solution to the cocoa through one of several means. The product is then dried to remove the solvent. (Tr. 53, 162, 180-81, 207, 235; P. 6.)

9. Treatment of cocoa with solvent alone and no DSS increases dispersibility to some degree, possibly through the tendency of the cocoa particles to agglomerate or through the effect of the solvent on the cocoa fat; however, the effect of the solvent alone is not as great as that of DSS in solvent. Tests run by the American Cyanamid Co. after milling the agglomerates produced by the DSS coating procedure also showed an increase in dispersibility. (Tr. 79-80, 107, 172-73, 290-92.)

10. Pressed cake is the cocoa cake left after extraction of a portion of the cocoa butter with a filter press. This process can reduce the fat content to as low as 8 to 10 percent. (Tr. 62-63, 110.)

11. Kibbling is the process by which the pressed cake is fed through a machine to break it up into coarse  $\frac{1}{4}$  to 1 inch pieces suitable for milling. Big cakes are unsuitable for use in cocoa mills. (Tr. 62-63, 108, 286.)

12. Dutching is the process whereby cocoa is treated with alkali to neutralize some of the acids in the cocoa. It also changes the flavor of the cocoa. (Tr. 131.)

13. Cocoa with a very low fat content, for example as low as 1 percent, is readily dispersible by itself. (Tr. 57.)

14. "Complemix" (also known as "Complemix 100") is the trade name for the American Cyanamid Co.'s brand of DSS. "Complemix 50" is their brand of DSS in a solution of 50 percent DSS and 50 percent food grade ethanol. DSS is the substance defined in the "National Formulary," XII Edition, page 138, and the "Food Chemicals Codex," page 238. (Tr. 156, 177, 202, 209; P. 1, 2, 6.)

15. The American Cyanamid Co. treated many samples sent to them by Chocolate Manufacturers Association members and other cocoa manufacturers and also treated with DSS cocoa for user-manufacturers. These included cocoas that had different fat contents, dutched and nondutched cocoas, and cocoas in kibbled and powder forms. The tests were run on batches of up to 525 pounds. Testing by the American Cyanamid Co., by chocolate manufacturers, and by independent experts showed that in most cases the samples treated by the American Cyanamid Co. were more rapidly dispersible in water and milk than the nontreated controls. As cocoa is the major obstacle to the quick wetting of dry beverage mixes, results of tests showing rapid wetting of cocoa alone can be used as an indication of cocoa mix wettability. (Tr. 50-59, 60-61, 64, 80, 87-88, 96, 123-124, 206-7, 292-93; O. 3, 6.)

16. Several tests were run by the American Cyanamid Co., chocolate manufacturers, and independent chocolate experts on cocoa mixes containing cocoa treated by the American Cyanamid Co. with DSS. The majority of results showed that the DSS-treated samples were more rapidly dispersible in water and milk. (Tr. 60-61, 96, 112, 123, 129, 130-33, 147; P. 4.)

17. Tests were run at the U.S. Cocoa Co. plant by U.S. Cocoa Co., and American Cyanamid Co., employees. They treated both cocoa powder and kibbled pressed cake in runs of up to 525 pounds. The results were comparable to those obtained at the American Cyanamid Co.'s plant. The U.S. Cocoa Co.'s President testified that these results could be duplicated in runs of up to 5,000 pounds. In 1964 the U.S. Cocoa Co., without the aid of the American Cyanamid Co., treated cocoa and beverage mixes with DSS and produced a very easily dispersible cocoa and cocoa mix. (Tr. 94-96.)

18. The size of a commercial run of cocoa may vary from 500 to 5,000 pounds. (Tr. 97, 314.)

19. In the majority of test runs, on both cocoa mixes and cocoa alone, the amount of DSS used did not exceed 0.4 percent by weight of the cocoa. (Tr. 57, 59, 79, 80, 87; O. 3, P. 4.)

20. None of the Chocolate Manufacturers Association members who treated the cocoa themselves were able to duplicate the significant improvements in wetting times which the American Cyanamid Co., obtained; however, in tests conducted by the Ambrosia Chocolate Co., a member of said Association, on 20-pound batches of cocoa treated by them with Complemix 50 in water, the nontreated control required a wetting time of 14 minutes whereas the treated cocoa took only 6 minutes. A witness from the Ambrosia Chocolate Co., testified that these results were promising and that the technology will probably improve sufficiently to warrant the use of DSS. This company also treated 2,500-pounds lots of lecithinated cocoa with DSS and decreased the wetting time over nontreated controls. The Wilbur Chocolate Co., another member of said Association, treated cocoa with Complemix 100, using a food grade solvent, and achieved improved results as compared with untreated powders. (Tr. 159, 165-67, 186, 206-9, 242, 244, 247, 301-3, 314; O. 3.)

21. Tests were conducted by witnesses for both parties showing the use of ethanol, isopropanol, water, and an undisclosed natural food substance as the solvent for DSS. Alcohol 23A and isopropanol are comparable in their effectiveness as solvents for DSS. (Tr. 63, 74, 78, 86, 124, 156, 162-64, 208, 220-23, 236, 331; P. 2, 6.)

22. Alcohol 23A is denatured alcohol prepared to be suitable for use in food products. (Tr. 156.)

#### PROPOSED CONCLUSIONS

1. Dioctyl sodium sulfosuccinate can be added to cocoa in conformity with the

regulations concerning cocoa with dioctyl sodium sulfosuccinate for manufacturing (21 CFR 14.14, 121.1137(e), and 121.1229) so as to accomplish the intended effect of facilitating production of dry beverage bases with cocoa that will disperse rapidly in water or milk.

2. The standard of identity (21 CFR 14.14) established for cocoa with dioctyl sodium sulfosuccinate for manufacturing (34 F.R. 12177) and stayed by order of the Commissioner (34 F.R. 19140) is reasonable and will promote honesty and fair dealing in the interest of consumers.

3. The food additive regulations (21 CFR 121.1137(e) and 121.1229) established concerning cocoa with dioctyl sodium sulfosuccinate for manufacturing (34 F.R. 12178) and stayed by order of the Commissioner (34 F.R. 19140) permit use of the additive at levels that are safe and sufficient to accomplish the intended effects of the additive.

4. Safe use of the additive dioctyl sodium sulfosuccinate as contemplated in conclusion 3 above includes dissolving it in a solvent generally recognized by properly qualified experts as safe for such use, or in a solvent used in conformity with food additive regulations (21 CFR Part 121), in an amount not greater than reasonably needed to facilitate applying the additive to the cocoa. (In some of the reported tests isopropyl alcohol was selected as the solvent; the food additive regulation for isopropyl alcohol (21 CFR 121.1043) does not cover such use.)

#### TENTATIVE ORDER

Therefore, on the basis of the foregoing findings of fact and conclusions of law drawn therefrom: *It is ordered*, That the stay of effective date of §§ 14.14, 121.1137(e), and 121.1229, which stay was promulgated December 3, 1969 (34 F.R. 19140), be ended.

Any interested person whose appearance was filed at the hearing may, within 30 days after publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, MD 20852, written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed findings of fact and proposed conclusions, and shall include specific references to the pages of the transcript of testimony and to the exhibits on which the exceptions are based. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: January 19, 1971.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.71-1265 Filed 1-29-71;8:47 am]

#### Public Health Service

#### [ 42 CFR Part 59a ]

#### MEDICAL LIBRARY ASSISTANCE

#### Grants for Improving and Expanding Basic Resources

Notice is hereby given that the Director, National Institutes of Health,

with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subpart B of Part 59a of the Public Health Service regulations governing the award of grants for improving and expanding basic resources of medical libraries and related instrumentalities under section 396 (formerly section 397) of the Public Health Service Act in order to implement amendments to such section made by the Medical Library Assistance Extension Act of 1970, Public Law 91-212. The proposed amendments were prepared with the advice and assistance of the Board of Regents of the National Library of Medicine.

In addition, it is proposed to amend such regulations to reflect Reorganization Plan No. 3 of 1966 and Reorganization Orders of the Secretary of Health, Education, and Welfare of March 13 and April 1, 1968 (33 F.R. 4894, 5426).

Inquiries may be addressed, and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

It is therefore proposed to amend Part 59a, Subpart B, of the Public Health Service regulations as follows:

1. Amend the title of Subpart B to read as follows:

#### Subpart B—Grants for Establishing, Expanding and Improving Basic Resources

2. Revise the issuing authority for Subpart B appearing immediately after the title to read as follows:

**AUTHORITY:** The provisions of this Subpart B issued under secs. 392, 396, 79 Stat. 1060, 1063, as amended; 42 U.S.C. 280b-2, 280b-7. Reorganization Plan No. 3 of 1966, 31 F.R. 8355, 80 Stat. 1610; 3 CFR 1966 Comp.; Reorganization Orders and Delegations of Mar. 13 and Apr. 1, 1968, 33 F.R. 4894, 5426. Section 59a.15(c) also issued under sec. 398, 79 Stat. 1066, as amended; 42 U.S.C. 280b-9.

3. Delete all references in Subpart B to "Surgeon General" and "Surgeon General's" and substitute the term "Secretary" or "Secretary's" in lieu thereof, respectively.

4. Amend § 59a.11 to read as follows:

#### § 59a.11 Applicability.

The provisions of this subpart apply to grants for establishing, expanding and improving basic resources as authorized by section 396 of the Public Health Service Act.

5. Amend § 59a.12 by deleting paragraphs (c), (e), and (f) and substituting in lieu of paragraph (c) the following new paragraph:

#### § 59a.12 Definitions.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the De-

partment of Health, Education, and Welfare to whom the authority involved has been delegated.

(e) [Deleted]

(f) [Deleted]

6. Revise § 59a.15 to read as follows:

#### § 59a.15 Grant awards.

(a) *General.* Within the limits provided by law and to the extent of funds available, the Secretary shall award grants to those applicants whose proposals for establishment, expansion, or improvement will in his judgment best promote the purposes of section 396 of the Act.

(b) *Determination of award amount.* The amount of any award, not to exceed \$200,000, shall be determined by the Secretary:

(1) On the basis of the scope of medical library or related services provided by the applicant in relation to the population and purposes served by it, taking into account the following factors:

(i) The number of graduate and undergraduate students, and physicians and other practitioners in the sciences related to health making use of the applicant's library resources;

(ii) The type of supportive staffs, if any, available to the applicant's library;

(iii) The type, size, and qualifications of the faculty of any school with which the applicant is affiliated;

(iv) The staff of any hospitals or clinics with which the applicant's library is affiliated;

(v) The geographic area served by such applicant and the availability, within such area, of medical library or related services provided by other libraries or related instrumentalities; and

(2) Shall be in such amount as in the Secretary's judgment will assure adequate continuing financial support of the applicant's proposed activity from other sources during and after the period of award. In making such determination, the Secretary shall take into consideration the level of non-Federal support for the proposed activity for periods prior to the fiscal year in which a grant is made and shall require assurance from the applicant that such support will not be diminished as a result of such award and that adequate support for such activity will be continued during and after the period of Federal assistance: *Provided*, That subject to such exceptions as the Secretary may determine to be necessary for the orderly administration of the grant program hereunder, no grant shall be made for less than \$1,000.

(c) *Payments.* The Secretary shall from time to time make payments or provide materials, to a grantee of all or a portion of any grant award. Payments may be made either in advance or by way of reimbursement for expenses incurred, or to be incurred, for the grant purposes and in such amounts or installments as best to promote prompt establishment, expansion and/or improvement of the medical library or related instrumentality. This provision relating to grant payments shall also be applicable to

awards pursuant to section 398 of the Act.

7. Revise § 59a.16(a) to read as follows:

**§ 59a.16 Termination.**

(a) *Termination by the Secretary.* Any grant award may be revoked or terminated by the Secretary in whole or in part at any time when, in his judgment, the grantee has failed in a material respect to comply with the Act or the regulations of this subpart. The grantee shall be promptly notified in writing of any such determination and given the reasons therefor. Within 10 days after receipt of such notice, or such longer period as the Secretary may allow, the grantee may request a reconsideration of such termination and shall be afforded an opportunity to present, orally or in writing, such information or argument as may be pertinent.

**§ 59a.21 [Amended]**

8. Amend § 59a.21 by deleting after the word "Secretary" in the second sentence, the words "of Health, Education, and Welfare".

Dated: December 3, 1970.

ROBERT Q. MARSTON,  
*Director,*  
*National Institutes of Health.*

Approved: January 20, 1971.

ELLIOT L. RICHARDSON,  
*Secretary.*

[FR Doc.71-1170 Filed 1-29-71;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 71-WE-1]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fortuna, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the

Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new departure procedure has been developed for Rohnerville Airport, CA, requiring climb via a heading of 309° T (290° M). Additional 700-foot transition area is required to provide controlled airspace protection for aircraft during climb from 700 feet to 1,200 feet above the surface. The transition area has also been described for simplicity and ease of charting.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Fortuna, Calif., transition area is amended to read as follows:

#### FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within two miles each side of the Fortuna, California, VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna, Calif., VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC, and within 2.5 miles southwest and 3.5 miles northeast of the 309° and 129° bearings from the Rohnerville Airport, Calif. (latitude 40°33'15" N., longitude 124°07'53" W.) extending from 7.5 miles northwest to 3 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 22, 1971.

LEE E. WARREN,  
*Acting Director, Western Region.*  
[FR Doc.71-1286 Filed 1-29-71;8:47 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 71-WE-2]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Arcata, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office

Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

A new departure procedure is proposed for Murray Airport, California, via a 309° T (290° M) bearing to intercept V27. A portion of 700-foot transition area is required to provide controlled airspace protection for aircraft climbing from 700 feet to 1,200 feet above the surface. In addition, a new ILS RWY-27 approach is proposed incorporating a 20 NM DME arc transition counterclockwise from the Fortuna, Calif., VORTAC 136° radial to the point of intersection with the Arcata, Calif., ILS localizer southeast course (Yager INT). A small portion of 1,200-foot transition area will be required between V27 and V195 for aircraft executing this proposed instrument procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Arcata, Calif., transition area is amended to read as follows:

#### ARCATA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°06'52" W.), on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 23-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V27 to the south edge of V195.



This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 22, 1971.

LEE E. WARREN,  
Acting Director, Western Region.

[FR Doc.71-1287 Filed 1-29-71; 8:47 am]

## ENVIRONMENTAL PROTECTION AGENCY

[ 42 CFR Part 479 ]

### RÉGULATION OF FUEL ADDITIVES

#### Advance Notice of Proposed Rule Making

Section 211 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), authorizes the Administrator of the Environmental Protection Agency to regulate any motor vehicle fuel or fuel additive which produces emissions that will endanger public health or welfare, or which produces emissions that will significantly impair the performance of any emission control system or device which is generally used or which the Administrator determines would be generally used within a reasonable time if the fuel or fuel additive in question were to be regulated. Before he prescribes such regulations, the Administrator is required to consider scientific data on the need for regulation of such fuel or fuel additive and, in certain situations, to make findings on the technological and economic feasibility and consequences of such regulations.

An extensive body of information exists which indicates that the addition of alkyl lead to gasoline, for the purpose of increasing the octane of that fuel, results in automobile exhaust emissions of lead particles that pose a threat to public health; and that these particles also render inoperative catalytic converters, which are devices currently being developed to enable the internal combustion engine to meet the emission standards for hydrocarbons and carbon monoxide required to be prescribed under section 202(b)(1)(A) of the Clean Air Act, as amended.

Notice is hereby given that the Agency, in accordance with the requirements of section 211, is considering available relevant scientific, medical, economic, and technological data concerning the use of alkyl lead in motor vehicle gasolines, with the intention of proposing controls or prohibitions on the use of that additive on the earliest date possible. It is anticipated that regulations will be proposed which provide for general availability by July 1, 1974, of lead-free gasoline of an octane quality suitable for 1975 and subsequent model year light

duty vehicles; and for reduction of the lead content of the current "regular" and "premium" grades of gasoline from their present average levels of approximately 2.5 grams per gallon to no more than 0.5 grams per gallon; such reduction to be achieved as quickly as is technologically possible. Although no schedule for reduction of lead content of "regular" and "premium" grades of gasoline has been developed, the Agency intends that gasoline of an octane quality suitable for vehicles currently in use will be allowed to be sold for as long as the demand exists, insofar as that is consistent with the goal of a maximum lead content of 0.5 grams per gallon.

This advance notice of proposed rule-making is published with the intention of informing the public of the Agency's actions and plans in this important area of concern, and for the purpose of providing the automobile and refining industries notice of impending regulation relevant to their immediate and long-range planning.

Dated: January 27, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator.

[FR Doc.71-1300 Filed 1-29-71; 8:48 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 74 ]

[Docket No. 18397-A, etc.; FCC 71-69]

### COMMUNITY ANTENNA TELEVISION SYSTEMS

#### Communications Technology and Services; Diversification of Control; Federal, State, or Local Relationships; and Technical Standards; Extension of Time

Order. In the matter of: Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule-making and/or legislative proposals; Docket No. 18397-A, Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18891, Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the community antenna television systems fields; and/or formation of legislative proposals in this respect; Docket No. 18892, Amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for community antenna television systems; Docket No. 18894.

1. On January 15, 1971, American Broadcasting Co., All-Channel Television Society, Association of Maximum Service Telecasters, Inc., and National Association of Broadcasters filed a "Motion for Extension of Time" in Docket No. 18397-A. No opposition to this motion has been filed.

2. The background of this matter is contained in the Order in Docket No. 18397-A, FCC 70-1244 (released Dec. 8, 1970). The joint petitioners now urge that there has been an inadequate period of time for them to prepare "exhaustive, sophisticated, and valuable critiques" of the studies presented.

3. The Commission has carefully considered the present petition, and will extend the time for reply comments to February 10, 1971. An extension beyond this date seems impracticable since we have determined to conduct hearings in this general area commencing March 11, 1971, and sufficient time must be allowed for study of comments prior to the date of hearings. In this regard, we intend shortly to issue an order describing procedural considerations applicable to the up-coming hearings.

In view of the foregoing: *It is ordered*, That the "Motion for Extension of Time" described above is granted in part and is denied in part as described below.

*It is further ordered*, That the time for filing reply comments in the above-captioned proceedings is extended to and including February 10, 1971.<sup>1</sup>

Adopted: January 20, 1971.

Released: January 26, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WARLE,  
Secretary.

[FR Doc.71-1312 Filed 1-29-71; 8:48 am]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 545 ]

[No. 70-576]

### FEDERAL SAVINGS AND LOAN SYSTEM

#### Loans by Federal Savings and Loan Associations

##### Correction

In F.R. Doc. 71-774 appearing on page 942 in the issue for Wednesday, January 20, 1971, the reference to "§ 545.7-(a)" in the second last line of the introductory text of § 545.6-3(c)(2) should read "§ 545.7-1(a)".

<sup>1</sup> As indicated in our above cited Order, FCC 70-1244, the four above-captioned dockets are so closely related that it is desirable to maintain the same filing dates in all of them.

<sup>2</sup> Commissioner Houser not participating.

**FEDERAL POWER COMMISSION**

[ 18 CFR Parts 3, 32, 33, 34, 35, 36, 45, 159 ]

[Docket No. R-408]

**SCHEDULES OF FEES TO BE PAID BY  
ELECTRIC PUBLIC UTILITY COM-  
PANIES AND NATURAL GAS COM-  
PANIES AND FOR MISCELLANEOUS  
SERVICES****Notice of Further Extension of Time**

JANUARY 22, 1971.

On January 19, 1971, the Independent Natural Gas Association filed a request for a further extension of time to and including February 5, 1971, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is further extended to and including February 5, 1971, within which any interested person may submit data, views, comments, and suggestions in writing to the notice of proposed rulemaking issued November 25, 1970 (35 F.R. 18324, 19641), in the above-designated matter.

GORDON M. GRANT,  
Secretary.

[FR Doc.71-1279 Filed 1-29-71;8:46 am]

**DEPARTMENT OF THE INTERIOR****Oil Import Administration****I 32A CFR Ch. X I**

[Oil Import Reg. 1 (Rev. 5) ]

**ALLOCATIONS; REFINERS; DISTRICT V****Notice of Proposed Rule Making**

Section 11 of Oil Import Regulation 1 (Revision 5), as amended by Amend-

ment 26 (36 F.R. 52), provides for tentative allocations of imports of crude oil into District V for the allocation period January 1, 1971 through December 31, 1971. The schedule set forth in paragraph (b) of section 11, as amended by Amendment 26, is designed to achieve the equitable distribution of approximately 145,000 b/d. In fact, however, the quantity available for allocation in District V for the calendar year 1971 will be approximately 222,000 b/d. Accordingly, it is proposed that section 11 be amended to read as set forth below. Final action upon this proposal will be subject to the concurrence of the Director, Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Although tentative allocations of imports of crude oil into District V were authorized by section 11, as amended by Amendment 26, formulation of orderly programs of importation, including those involving exchanges of oil, require the prompt issuance of regulations prescribing the manner in which regular import allocations will be made for District V for the allocation period January 1, 1971 through December 31, 1971. For that reason in view of the notice that was given in this regard by amendment 26, it is not in the public interest to give 30 days notice of proposed rule making concerning this amendment. Instead, comments concerning this amendment should be submitted within fifteen (15) days from the date of the publication of this notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, Jr.,  
Acting Administrator,  
Oil Import Administration.

JANUARY 29, 1971.

Amend section 11 of Oil Import Regulation 1 (Revision 5), as amended (36 F.R. 52) to read as follows:

**Sec. 11 Allocations; refiners; District V.**

(a) For the allocation period January 1, 1971 through December 31, 1971, the Administrator shall allocate, as provided in paragraph (b) of this section, approximately 222,000 b/d of imports of crude oil into District V among eligible persons having refinery capacity in that district. Such allocations shall supersede the tentative allocations which have been made of imports of crude oil into District V for that allocation period. Licenses issued under tentative allocations shall be charged against the new allocations and shall remain in force.

(b) Each eligible applicant shall receive an allocation of imports of crude oil based on refinery inputs for the year ending September 30, 1970, and computed according to the following schedule:

Average b/d Input	Percent of Inputs	Number of days
0-10,000.....	× $\begin{Bmatrix} 60.0 \\ 13.0 \\ 5.5 \end{Bmatrix}$	× 365
10-20,000.....		
20,000 plus.....		

However, each allocation made pursuant to this paragraph (b) shall be reduced by the amount of any license issued to the applicant under an interim allocation for the allocation period.

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation.

(d) No allocation made pursuant to this section may be sold, assigned or otherwise transferred.

[FR Doc.71-1421 Filed 1-29-71;10:34 am]

# Notices

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority No. 89]

### PRINCIPAL DIPLOMATIC OFFICER IN CAMBODIA

#### Delegation of Authority Regarding Administration of A.I.D. Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Cambodia, with respect to the administration of the foreign assistance program in that country, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

- (1) Unpublished Delegation of Authority of January 10, 1955;
- (2) Delegation of Authority of November 28, 1954, as amended (19 F.R. 8049);
- (3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

The authority delegated hereby may be redelegated to the officer at the post principally responsible for A.I.D. activities.

This delegation of authority shall be effective immediately.

Dated: January 22, 1971.

JOHN A. HANNAH,  
Administrator.

[FR Doc.71-1285 Filed 1-29-71; 8:46 am]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### CAST OR ROLLED GLASS FROM JAPAN

#### Notice of Tentative Negative Determination

Information was received on January 6, 1969, that cast or rolled glass from Japan was being sold at less than fair value within the meaning of the Anti-

dumping Act, 1921, as amended (19 U.S.C. 160, et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 30, 1969, on pages 12453-54.

I hereby make a tentative determination that cast or rolled glass from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (10 U.S.C. 160(a)).

*Statement of reasons on which this tentative determination is based.* Information gathered during the course of the investigation indicated that sales in the home market were sufficient to afford a basis for comparison.

None of the parties involved in these sales were related within the meaning of section 207 of the Act.

Purchase price was compared to home market price for fair value purposes.

Purchase price was based on the delivered price to purchasers in the United States. Deductions were made for discounts, commissions, freight, clearance charges, United States duty, insurance, and packing. An addition was made for reimbursement of Japanese import duties.

Home market price was based on a delivered price to domestic purchasers. Adjustments were made for discounts; rebates, freight, breakage compensation, interest, and packing.

Comparisons between purchase price and home market price revealed that purchase price was not lower than home market price in any instance.

In accordance with § 153.33(b), Customs regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments, or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20228, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

[SEAL]

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[FR Doc.71-1309 Filed 1-29-71; 8:49 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### REGIONAL ADMINISTRATORS ET AL.

#### Redelegation of Authority With Respect to Loan and Contract Servicing

The redelegation of authority to Regional Administrators, et al., with respect to loan and contract servicing, published at 35 F.R. 16104, October 14, 1970, is amended by revising section B to read as follows:

*Sec. B. Authority redelegated with respect to specific programs.* Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, and Director, Housing Services and Property Management Division, Area Office, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development in connection with servicing loans and grants for college housing under title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c) and loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), except the following power and authority:

1. To sue and be sued.
2. To establish the rate of interest on Federal loans and advances.
3. To issue notes or other obligations for purchase by the Secretary of the Treasury.
4. To issue rules and regulations.
5. Exercise the power and authority under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)).
6. To make the determination to:
  - a. Consent to the modification of any agreement to which the Government is a party with respect to time of payment on any installment of principal or interest due the Government, or any required deposit into a fund or reserve, under section 402(c) (8) of the Housing Act of 1950 (12 U.S.C. 1749a(c) (8));
  - b. Authorize postponement of a scheduled payment due the Government or deferment of any required deposit into a fund or reserve;
  - c. Foreclose on any property, or commence any legal action to protect or enforce any right conferred upon the Secretary by any law, contract, or other agreement;
  - d. Accept deeds in lieu of foreclosure; or
  - e. Purchase prior liens on such property.

(Secretary's delegation of authority to redelegate published at 35 F.R. 15025, and other authorities cited therein)



*Effective date.* This amendment to re-delegation of authority is effective September 1, 1970.

NORMAN V. WATSON,  
Acting Assistant Secretary for  
Renewal and Housing Management.  
[FR Doc. 71-1292 Filed 1-29-71; 8:47 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[New Mexico 12600]

#### NEW MEXICO

#### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 25, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 12600, for the withdrawal of land described, from location and entry under the general mining laws. The applicant desires the lands in connection with the Trout Lakes Recreation Area as well as the Canjilon Lakes and Canjilon Creek Campground.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, NM 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

#### NEW MEXICO PRINCIPAL MERIDIAN

##### CARSON NATIONAL FOREST

##### Trout Lakes Recreation Area

- T. 27 N., R. 5 E.,  
Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 2, SW $\frac{1}{4}$  lot 2, lots 3, 4, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$   
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 3, E $\frac{1}{2}$  lot 1 and N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 28 N., R. 5 E.,  
Sec. 28, lot 4;  
Sec. 34, lot 1, S $\frac{1}{2}$  lot 2, E $\frac{1}{2}$  lot 3, lot 4,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$   
SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$   
SW $\frac{1}{4}$ .

##### Canjilon Lakes and Canjilon Creek Campground

- T. 27 N., R. 6 E. unsurveyed,  
Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
and SE $\frac{1}{4}$ ;  
Sec. 20, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 29, W $\frac{1}{2}$ E $\frac{1}{2}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ S $\frac{1}{2}$   
NW $\frac{1}{4}$ ;  
Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 1,629.43 acres more or less.

MICHAEL T. SOLAN,  
Land Office Manager.

[FR Doc. 71-1294 Filed 1-29-71; 8:47 am]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### CHICAGO MERCANTILE EXCHANGE

#### Designation as Contract Market for Grain Sorghums

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1, et seq., Supp. IV, 1969) I hereby designate the Chicago Mercantile Exchange of Chicago, Ill., as a contract market for grain sorghums effective on this date, as shown below. The said exchange has applied for, and has otherwise complied with the requirements imposed by the said Act as a condition precedent to, such designation.

The designation is subject to suspension or revocation in accordance with the provisions of the said Act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, August 22, 1955, June 13, 1968, July 19, 1968, and March 13, 1970 designating the said exchange as a contract market for the commodities specified in such orders may constitute either a single designation or several designations.

Issued this 27th day of January 1971.

PHILIP C. OLSSON,  
Acting Assistant Secretary.

[FR Doc. 71-1311 Filed 1-29-71; 8:49 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 23638; Order 71-1-119]

### EASTERN AIR LINES, INC.

#### Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of January 1971.

By tariff revisions<sup>1</sup> marked to become effective February 8, 1971, Eastern Air Lines, Inc. (Eastern), proposes to establish multiple trip first-class and tourist fares in the New York-Miami market.<sup>2</sup> The first-class fare is \$369.44 and the tourist fare is \$276.85 for five one-way trips to be completed within a 6-month period. The tickets are restricted to one user, are nontransferable, and valid any time, every day. The discount from five one-way trips at the regular coach fare between New York and Miami is 24 percent. The tariff is marked to expire in 6 months.

Complaints against the proposal have been filed by Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), Northeast Airlines, Inc. (Northeast), and Northwest Airlines, Inc. (Northwest), all of whom request suspension and investigation of the filing. The thrust of the complaints is that the proposal, if permitted to become effective, will be largely diversionary; will generate little new traffic; and thus will result in a net dilution of revenues. Complaints further assert that Eastern's use of an incremental costing technique in forecasting the profit impact of its proposal is inappropriate, and understates the costs associated with the fare.

In support of its proposal and in answer to the complaints, Eastern asserts that it wishes to determine to what extent frequent travelers will respond to fare discounts designed to encourage their further travel. It submits that its experiment would be directed to persons who have several reasons and occasions for traveling between New York and Miami—business, vacation, weekend visits for property management, etc. It is Eastern's thesis that additional travel will result, and that the proposal will make a \$180,000 net contribution to profit during the 6-month experimental period. The carrier further asserts that its thesis is a reasonable one, worth testing in one market, and that unless the basis for its proposal is demonstrably irrational, it should be permitted to measure the generation/diversion results in the marketplace.

Upon consideration of the tariff proposal, the complaints, and other relevant matters, the Board finds that the proposal may be unjust or unreasonable, or

<sup>1</sup> Revisions to Eastern Air Lines, Inc. Tariff CAB 321.

<sup>2</sup> National and Northeast have filed defensive tariffs.

unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Eastern's proposal appears to be unjustly discriminatory since it involves a volume discount based on number of trips taken. While the Board has permitted volume discounts based on the size of a group, we have consistently declined to permit the use of discounts based on frequency of movement.<sup>3</sup> Group fare travel has been found to involve some cost savings to the carrier which a multitrip discount would not produce. Similarly, group travel would have a lesser value of service than individual travel, which would support the historic group discounts, but this factor is largely absent from the instant proposal. On the contrary, we do not find a significant difference in the value of service between the carrier's proposal and existing available services involving individual travel. Finally, we have serious doubts that the proposal is economically viable, particularly in view of its potential diversionary aspect.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

*It is ordered, That:*

1. An investigation be instituted to determine whether the fares and provisions in Eastern Air Lines, Inc.'s CAB Nos. 324 and 325, National Airlines, Inc.'s CAB Nos. 128 and 129, and Northeast Airlines, Inc.'s CAB No. 122, and rules, regulations, or practices affecting such fares and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions.

2. Pending hearing and decision by the Board, the fares and provisions in Eastern Air Lines, Inc.'s CAB Nos. 324 and 325, National Airlines, Inc.'s CAB Nos. 128 and 129, and Northeast Airlines, Inc.'s CAB No. 122, are suspended and their use deferred to and including May 8, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein in the complaints of Delta Air Lines, Inc., in Docket 22979, National Airlines, Inc., in Docket 22977, Northeast Airlines, Inc., in Docket 22978, and Northwest Airlines, Inc., in Docket 22974 are dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

<sup>3</sup> For example, in the TWA Multi-Charter Cargo Rate Investigation, Docket 17930 (Order E-25936, Nov. 7, 1967), the Board found the carrier's proposal to provide a rate reduction for 10 or more charters to be unjustly discriminatory.

5. A copy of this order be filed with the above-named tariffs and served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.71-1307 Filed 1-29-71;8:48 am]

[Docket No. 22628; Order 71-1-96]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Passenger Fares

Issued under delegated authority January 19, 1971.

By Order 70-12-116, dated December 18, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in agreements adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreements, which encompass a portion of the passenger resolutions adopted at Honolulu, relate to resolutions involving administrative, procedural, or technical provisions which do not affect basic fare levels.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-12-116 will herein be made final.

*Accordingly, it is ordered; That:*

The subject portions of Agreements CAB 22036,<sup>1</sup> CAB 22051,<sup>2</sup> CAB 22068,<sup>3</sup> and CAB 22095<sup>4</sup> be and hereby are approved.

This order will be published in the **FEDERAL REGISTER**.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc.71-1308 Filed 1-29-71;8:48 am]

[Docket No. 23035]

## SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 8, 1971, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

<sup>1</sup> Agreement CAB 22036, R-1 through R-5; R-9 through R-11; R-14; R-16; R-58; R-59; R-62.

<sup>2</sup> Agreement CAB 22051, R-1; R-21 through R-25.

<sup>3</sup> Agreement CAB 22068, R-1 through R-10; R-12; R-15; R-16; R-18; R-21.

<sup>4</sup> Agreement CAB 22095, R-1; R-2; R-9.

Dated at Washington, D.C., January 26, 1971.

[SEAL]

THOMAS L. WRENN,  
Chief Examiner.

[FR Doc.71-1305 Filed 1-29-71;8:48 am]

[Docket No. 22982]

## TRANSPORTE AEREO RIOPLATENSE, S.A.C. e I.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 11, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 26, 1971.

[SEAL]

THOMAS L. WRENN,  
Chief Examiner.

[FR Doc.71-1306 Filed 1-29-71;8:48 am]

## TARIFF COMMISSION

[AA1921-69/70]

### GLASS FROM JAPAN

#### Notice of Investigations and Hearings

Having received advice from the Treasury Department on January 7, 1971, that clear plate and clear float glass from Japan is being, or is likely to be, sold in the United States at less than fair value (investigation AA1921-69); and having received advice from the Treasury Department on January 7, 1971, as amended by subsequent advice received on January 26, 1971, that clear sheet glass from Japan is being, and is likely to be sold in the United States at less than fair value (investigation AA1921-70); the U.S. Tariff Commission has instituted investigations with respect to both matters under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**Hearing.** A public hearing in connection with each investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. The hearing with respect to the imports of clear plate and clear float glass will begin at 10 a.m., e.s.t., on February 24, 1971. The hearing with respect to clear sheet glass will begin at the conclusion of the aforementioned hearing. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearings. Interested parties desiring to appear at either public hearing should notify the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., at least 5 days in advance

of the date set for the hearing. All parties entering an appearance for either hearing will be notified of the earliest time at which they must be available at such hearing.

Issued: January 27, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.71-1166 Filed 1-29-71;8:45 am]

## CIVIL SERVICE COMMISSION

### FEDERAL MARITIME COMMISSION

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Maritime Commission to fill by noncareer executive assignment in the excepted service the position of Confidential Assistant to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.71-1269 Filed 1-29-71;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 528]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

JANUARY 25, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subse-

<sup>1</sup> All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

<sup>2</sup> The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

quently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

#### APPLICATIONS ACCEPTED FOR FILING

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

##### File No., applicant, call sign, and nature of application

- 3642-C2-ML-71—Kidd's Communications Inc. (KMA257), Modification of license to change control frequency to 72.20 MHz at location No. 2: 315 East 18th Street, Bakersfield, CA. All other terms of the existing license to remain unchanged.
- 3757-C2-P-71—Rock County Telephone Co. (New), C.P. for a new 2-way station to be located at 2.5 miles east Bassett, Nebr., to operate on frequency 152.81 MHz.
- 3758-C2-P-71—The Northeastern Telephone Co. (New), C.P. for a new 2-way station to be located at 2 miles north of Arnold, Nebr., to operate on frequency 152.72 MHz.
- 3759-C2-MP-(3)71—Wisconsin Telephone Co. (KSA210), Modification of C.P. to change the antenna system operating on 454.400, 454.475, and 454.600 MHz at location No. 1: 722 North Broadway, Milwaukee, WI.
- 3760-C2-P-71—Cahill Answering Services, Inc. (KQZ774), C.P. for additional channel to operate on frequency 158.70 MHz located at 203 South Capitol Avenue, Lansing, MI.
- 3761-C2-P-71—Airsigal International, Inc. (KIF653), C.P. to replace transmitter operating on frequency 43.58 MHz and change the antenna system for same located at 42 North Third Street, Memphis, TN.
- 3762-C2-P-71—Kalamazoo Telephone Answering Service (KQK720), C.P. to change the antenna system and relocate facilities operating on 152.03 MHz to 5735 Parkview, Kalamazoo, MI.
- 3763-C2-MP-71—Kalamazoo Telephone Answering Service (KPM951), Modification of C.P. to change the antenna system and relocate facilities operating on 152.24 MHz to 5735 Parkview, Kalamazoo, MI.
- 3776-C2-P-71—Radio Communications Corp. (KLF608), C.P. to change the antenna system and relocate facilities operating on 454.125 MHz to 0.25 mile southeast of Hart and Chillem Road, Eastaville, IL.
- 3793-C2-P-71—Telephone Answering Service of Owensboro, Inc. (KQZ722), C.P. to change the antenna system and relocate (1-way) facilities operating on 152.24 MHz to 19th and Litchfield Road, Highway 54 East, Owensboro, KY.

##### Major Amendment

- 6377-C2-P-68—The Telephone Co. of Pennsylvania (New), Amended to add a new 1-way station to operate on frequency 152.84 MHz at the following locations: (Report No. 402-1, Dated Aug. 28, 1968) Location No. 1: 4224 Mount Troy Road, Pittsburgh, PA.; Location No. 2: 2607 Skyline Drive, West Mifflin, PA.; Location No. 3: Lyon Street, Pittsburgh, PA.; Location No. 3: Brinton Road and West Boulevard, Braddock Hill, PA.; Location No. 5: McRoberts Road, Castle Shannon, PA.; Location No. 6: Route No. 60 at Campbell Run Road, Robinson Township, PA.; Location No. 7: Logan's Ferry Road, Plum Township, PA.; Location No. 8: Fox Chapel Road, Indiana Township, PA.
- 6081-C2-P-(2)-69—Mobilfone of Kansas (New), Amend to read: C.P. for a new 1-way station to operate on frequency 152.24 MHz. Location: Merchants National Bank Building, Eighth and Jackson Streets, Topeka, KS. Report No. 436, dated Apr. 12, 1969.

##### RURAL RADIO SERVICE

- 3777-C1-P-71—The Midland Telephone Co. (New), C.P. for a new rural subscriber station to be located at Beaver Point, 9 miles northwest of Helper, Utah, to operate on frequency 158.04 MHz communicating with Station KLF657, Bald Mica, Utah.
- 3778-C1-P-71—The Midland Telephone Co. (New), Same as above, except, to be located at Frontier Mining Co's, Happy Jack Mine, Utah.

##### POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

- 3779-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (New), C.P. for a new station to be located 400 yards north of Corolla Post Office, Corolla, N.C. Frequencies: 5937.8 and 6056.4 MHz toward Colnlock, N.C.
- 3780-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (EJG97), C.P. to add frequencies 6189.8 and 6303.4 MHz toward Corolla, N.C. a new point of communication. Station location: Colnlock, N.C.
- 3781-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (EJH29), C.P. to replace transmitter toward Waves, N.C., frequencies: 5937.8 and 6056.4 MHz, and correct path length and azimuth toward Kill Devil Hills, N.C., frequencies: 5967.4 and 6033.0 MHz. Location: 105 Upperco Avenue, Manteo, N.C.
- 3782-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KVI25), C.P. to replace transmitter, frequencies: 6189.8 and 6303.4 MHz toward Manteo, and 6219.5 and 6383.1 MHz toward Buxton, N.C. Station location: 0.2 mile north of Waves, N.C.

3783-C1-P-71—The Norfolk & Carolina Telephone & Telegraph Co. (KV124), C.P. to replace transmitter, frequencies: 5967.4 and 6086.0 MHz toward Waves, N.C. Station location: 0.3 mile west of Buxton, N.C.

3785-C1-P-71—American Telephone & Telegraph Co. (KV150), C.P. to add frequencies 3970 and 4050 MHz toward Newport, Minn. Station location: 70 West Fourth Street, St. Paul, MN.

3796-C1-P-71—American Telephone & Telegraph Co. (KAB88), C.P. to add frequencies 4010 and 4090 MHz toward St. Paul, Minn. Station location: 5 miles northeast of Newport, Minn.

3797-C1-P-71—American Telephone & Telegraph Co. (KIK65), C.P. to add frequency 3930 MHz toward Rockdale, Ga. Station location: 2.5 miles southeast of Lovejoy, Ga.

3798-C1-P-71—American Telephone & Telegraph Co. (KIR29), C.P. to add frequency 3890 MHz toward Lovejoy, Ga. Station location: Rockdale, 3 miles southeast of Conyers, Ga.

3799-C1-P-71—American Telephone & Telegraph Co. (KAC88), C.P. to add frequency 3990 MHz toward Winslow, Nebr. Station location: 4.8 miles northwest of North Bend, Nebr.

3800-C1-P-71—American Telephone & Telegraph Co. (KAN21), C.P. to add frequency 3950 MHz toward North Bend, Nebr. and Mondamin, Iowa. Station location: 4.5 miles east-northeast of Winslow, Nebr.

3801-C1-P-71—American Telephone & Telegraph Co. (KAL48), C.P. to add frequency 3990 MHz toward Winslow, Nebr., and 4070 MHz toward Portsmouth, Iowa. Station location: 4.5 miles east-southeast of Mondamin, Iowa.

3802-C1-P-71—American Telephone & Telegraph Co. (KAN22), C.P. to add frequency 4030 MHz toward Mondamin and Elkhorn, Iowa. Station location: 2.5 miles north of Portsmouth, Iowa.

3803-C1-P-71—American Telephone & Telegraph Co. (KAB90), C.P. to add frequency 4070 MHz toward Portsmouth, Iowa. Station location: 3 miles south of Elkhorn, Iowa.

5909-C1-R-71—South Central Bell Telephone Co. (KVU61), Renewal of station license expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Aug. 1, 1976.

3593-C1-R-71—New York Telephone Co. (WAN28), Renewal of station license expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Aug. 1, 1976.

3594-C1-R-71—New York Telephone Co. (WAN30), Renewal of station license expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Aug. 1, 1976.

825-C1-R-71—South Central Bell Telephone Co. (KYO22), Renewal of station license expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Aug. 1, 1976.

## Correction

3445-C1-P-71—General Telephone Co. of Indiana, Inc. (KSO88), C.P. to add frequencies 10,715, 10,875, 11,035, and 11,115 MHz toward New Hope, Ohio, and 10,835, 10,995, 11,075, and 11,155 MHz toward Brookville, Ind. Station location: 4 East Westcott, Liberty, IN. Reported on Public Notice, Jan. 11, 1971.

The following Renewal Applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Contoocook Valley Telephone Co.  
KOK54—Hillsboro, N.H.

Deer River Telephone Exc. Inc.  
KCG76—Big Fork, Minn.  
KIL64—Deer River, Minn.

General Telephone Co. of the Southeast.  
KZS51—East River Mountain, Va.

Highland Telephone Cooperative, Inc.  
KJH38—Onelda, Tenn.  
KJH39—Sunbright, Tenn.  
KJH40—Oakdale, Tenn.  
KTF97—Petros, Tenn.

Louisiana Offshore Telephone Co.  
KTR41—Morgan City, La.  
KTR42—Salt Point, La.

KYC36—Temporary-Fixed.  
Pacific Power & Light Co.  
KXQ31—Whitefish, Mont.

Souris River Telephone Mutual Aid Corp.  
KAI88—near Tegus, N. Dak.  
KAJ58—near Tolley, N. Dak.  
KAJ63—near Coteau, N. Dak.  
KAJ65—near Sherwood, N. Dak.  
KAJ72—near Mohall, N. Dak.

KAN85—Minot Air Force Base, N. Dak.

Standard Telephone Co.  
KGG40—Hawessee, Ga.  
KGG41—Brass Town Bald Mountain, Ga.

Tidewater Telephone Co.  
KTK23—Warsaw, Va.  
KTV61—near King William, Va.  
KTY33—Saluda, Va.  
KTY34—Gloucester, Va.  
KJG25—Dahlgren, Va.  
KJKE91—Elkmarnock, Va.

Union Telephone Co.  
KPV43—Urie, Wyo.  
KPV44—Hickey Mountain, Wyo.

Indiana Telephone Corp.  
KSO45—Seymour, Ind.  
KSO46—near Salem, Ind.  
KSO47—Salem, Ind.

KSO69—North Vernon, Ind.  
KVH90—Jasper, Ind.  
KVH91—Orleans, Ind.  
KVH92—near Jasper, Ind.  
KVH93—Loogootee, Ind.  
KVH94—near French Lick, Ind.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

3792-C1-MP-71—Western Tele-Communications, Inc. (WDE21), Modification of C.P. to change the emission designator to 3G00F9 for frequency 2128.4 MHz on azimuth 103°47'. Location: 2433 North Montana Avenue, Helena, MT, at latitude 46°36'33" N., longitude 112°01'10" W.

The following Renewal Applications received for licenses expiring Feb. 1, 1971. Term: Feb. 1, 1971, to Feb. 1, 1976.

Brentwood Co.  
KTG33—Frazier Mountain, Calif.  
KTG34—Breckenridge Mountain, Calif.

Garden State Micro Relay, Inc.  
KEM55—near Chatsworth, N.J.

KEM56—Milway, N.J.

KYZ90—North Wildwood, N.J.

WAY88—Temporary-Fixed.

Sekan Microwave, Inc.  
KTG29—near Garnett, Kans.  
KTG30—near Iola, Kans.  
KTG31—near Chanute, Kans.

Tower Communications Systems Corp.  
KQO40—St. Louisville, Ohio.  
KQO41—Coshocton, Ohio.  
KQO42—Shanesville, Ohio.  
KQO43—New Philadelphia, Ohio.

[FR Doc. 71-1313 Filed 1-29-71; 8:49 am]

## FEDERAL MARITIME COMMISSION

### ALASKA BARGE AND TRANSPORT, INC.

#### Notice of application filed by:

Alan F. Wohlstetter,  
Danning and Wohlstetter,  
1 Farragut Square South,  
Washington, DC 20006.

Application designated Exemption No. 8 is hereby made pursuant to section 35

of the Shipping Act, 1916 for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916 and regulations applicable thereunder for the carriage of general cargo between Seattle, Washington, and the Arctic Coast of Alaska between Beechy Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

The grounds for the application for exemption are the same as those asserted in the application of Puget Sound Tug and Barge Co. and Alaska Barge and Transport, Inc. in Exemption No. 4, which was approved by the Commission (46 CFR 531.26(c); 35 F.R. 9925, June 17, 1970).

The proposed service is designed for the movement of general cargo, including bulk liquids, to and from the oil field discovered in 1968 near Prudhoe Bay, Alaska. The major oil companies engaged in operations at the site and their suppliers urgently require water

#### Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, DC, Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is controlled by ice. Cargoes must be held at the carrier's dock in Seattle until shortly after midsummer, at which time all vessels engaged in the movement depart for the Arctic as a flotilla so as to arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return south of Point Barrow before the ice returns, which is normally within 4 to 6 weeks. Owing to its specialized character, the movement does not lend itself to rate regulation and applicant doubts that the movement is common carriage subject to regulations.

This exception from the tariff filing requirements and regulations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35, Shipping Act, 1916.

Dated: January 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-1315 Filed 1-29-71;8:49 am]

[Independent Ocean Freight Forwarder License 1002]

#### CARIBE SHIPPING CO., INC.

##### Order of Revocation

By letter dated December 28, 1970, Caribe Shipping Co., Inc., Pier No. 9, Post Office Box 3267, San Juan PR 00904, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1002 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 20, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Caribe Shipping Co., Inc., has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 1002 be returned to the Commission. Revocation of License No. 1002 is effective January 20, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL

REGISTER and served upon Caribe Shipping Co., Inc.

WAL. JARREL SMITH, Jr.,  
Deputy Managing Director.

[FR Doc.71-1314 Filed 1-29-71;8:49 am]

## FEDERAL POWER COMMISSION

[Docket No. CP71-185]

### COLORADO INTERSTATE GAS CO.

#### Notice of Application

JANUARY 26, 1971.

Take notice that on January 17, 1971, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP71-185 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of certain pipeline and measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks permission and approval to abandon the Fountain Meter Station and appurtenances and a portion of the downstream end of the Castle Rock lateral consisting of approximately 1,042 feet of 2-inch mainline and 976 feet of 3-inch loopline, all of which are located in Colorado.

Applicant states that during 1970 it replaced and relocated at points nearer its mainline and away from congested areas both the Castle Rock and Fountain Meter Stations. Northern Natural Gas Co., Peoples Natural Gas Division (Peoples) has agreed to purchase a portion of the Fountain Meter Station and the portion of the Castle Rock lateral and loop which are to be abandoned. Applicant further states that it will remove and salvage, where possible, all equipment at the Fountain Meter Station not purchased by Peoples.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to in-

tervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[FR Doc.71-1277 Filed 1-23-71;8:46 am]

[Docket No. RP71-31]

### TRANSCONTINENTAL GAS PIPE LINE CORP.

#### Order Amending Prior Order Approving Rate Increase Without Suspension and Granting Petitions To Intervene

JANUARY 26, 1971.

On November 2, 1970, Transcontinental Gas Pipe Line Co. (Transco) proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2 to become effective January 1, 1971, without suspension.

Transco in its filing included a document, "Agreement as to Rates," and also requested that it be permitted to amortize by uniform annual amounts over a 14-year period commencing January 1, 1971, the balance in Account 282, in lieu of the vintage-year basis method authorized by our order issued August 12, 1966, in Docket No. RP67-3. The 14-year period is the same period remaining under the vintage-year method of amortization presently being utilized.

In our order issued in these proceedings on December 30, 1970, we approved the proposed rates and permitted the revised tariff sheets to become effective as requested, subject to the terms and conditions in the "Agreement as to Rates," and implicitly granted Transco's request to change its method of amortization of Account 282. By letter dated January 5, 1971, Transco has asked that we modify our December 30, 1970, order to specifically grant permission for such change. In order to avoid any future ambiguity, we deem it appropriate to grant Transco's request.

The Commission orders:

(A) Transco's request that it be permitted to amortize by uniform annual amounts over a 14-year period commencing January 1, 1971, the balance in Account 282, in lieu of the vintage-year basis authorized by Commission order issued August 12, 1966, in Docket No. RP67-3 is hereby granted.

(B) All the provisions of our December 30, 1970, order in Docket No. RP71-31 shall remain in effect.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

[FR Doc.71-1278 Filed 1-23-71;8:46 am]



# SECURITIES AND EXCHANGE COMMISSION

[812-2832]

## E. F. HUTTON TAX-EXEMPT FUND

### Notice of Application To Amend Order of Exemption

JANUARY 22, 1971.

Notice is hereby given that E. F. Hutton Tax-Exempt Fund (California Series 1, New York Series 1, and Subsequent Series) (Applicant), c/o E. F. Hutton & Co., Inc., One Chase Manhattan Plaza, New York, NY 10005, a unit investment trust registered under the Investment Company Act of 1940 (Act) has filed an amended application pursuant to section 6(c) of the Act for an order of the Commission modifying the order (Investment Company Act Release No. 6274) issued by the Commission granting applicant an exemption from the provisions of section 14(a) of the Act.

Applicant includes California Series 1, New York Series 1, and all subsequent series named "E. F. Hutton Tax-Exempt Fund." Each Series is to be governed by a Trust Agreement under which E. F. Hutton & Co., Inc., is to act as sponsor and the United States Trust Company of New York is to act as trustee. The Trust Agreement for each series is to contain terms and conditions of trust common to all series. Pursuant to each such Trust Agreement, the sponsor originally was to have deposited with the trustee between \$2 million and \$10 million principal amount of bonds for each series which the sponsor was to have accumulated for such purpose, and simultaneously with such deposit was to have received from the trustee registered certificates for between 2,000 and 10,000 units representing the entire ownership of a series.

Applicant states in its amended application that the Trust Agreements will hereafter provide that the sponsor will deposit with the trustee between \$2 million and \$20 million principal amount of bonds, and simultaneously with such deposit will receive from the trustee registered certificates for between 2,000 and 20,000 units which will represent the entire ownership of the series.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 9, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and

the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[FR Doc.71-1182; Filed 1-29-71; 8:45 am]

[70-4969]

## GENERAL PUBLIC UTILITIES CORP.

### Notice of Proposed Amendment of Articles of Incorporation To Increase Authorized Shares of Common Stock and Solicitation of Proxies in Connection Therewith

JANUARY 26, 1971.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designated sections 6(a) 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to submit to its stockholders at its annual meeting to be held April 5, 1971, a proposal to amend its Articles of Incorporation to increase from 30 million to 40 million the aggregate number of authorized shares of common stock, par value \$2.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used to provide the cash required for the common stock equity component of the capital requirements of the GPU

holding company system. The proposed amendment will require the affirmative vote of the holders of the majority of the 29,792,689 outstanding shares of common stock. GPU intends to solicit proxies by mail, in person, or by telephone or telegraph, by directors, officers, and regular employees of GPU.

It is stated that the fees and expenses, excluding the Pennsylvania excise tax of \$50,000, of GPU to be paid in connection with the proposed amendment will not exceed \$5,030, including legal fees. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 12, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[FR Doc.71-1298 Filed 1-29-71; 8:48 am]

[70-4968]

## VERMONT YANKEE NUCLEAR POWER CORP.

### Notice of Proposed Issue and Sale of Promissory Notes to Banks

JANUARY 26, 1971.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration and

amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about \$20 million, is estimated at \$135 million. Its 10 sponsor companies are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

In order to obtain interim financing for its initial nuclear fuel inventory, Vermont Yankee proposes to issue and sell its promissory notes of up to \$14 million outstanding at any one time to the banks indicated below (Banks). The notes will be sold pursuant to a credit agreement dated as of December 1, 1970, amended January 5, 1971, will mature March 15, 1971, will bear interest at the rate of 7½ percent per annum and will not be prepayable.

The names of the Banks and the maximum amounts to be borrowed from each are as follows:

Name	Amount
Bankers Trust Co., New York, N.Y.-----	\$8,750,000
First National Bank of Boston, Mass.-----	8,750,000
Crittenden Trust Co., Burlington, Vt.-----	400,000
Vermont Bank & Trust Co., Brattleboro, Vt.-----	200,000
Vermont National Bank, Brattleboro, Vt.-----	160,000
The Howard National Bank and Trust Co., Burlington, Vt.-----	100,000
Total -----	14,000,000

The credit agreement with the Banks, referred to above, initially provided for loans aggregating \$8 million to mature February 1, 1971, of which \$8 million has been borrowed. Vermont Yankee is not in a position to pay such notes at maturity and requires additional funds (the combined total of which is \$14 million), has negotiated an amendment to the credit agreement providing for extension of existing maturities and for additional notes at the original rate of interest of 7½ percent. It is represented that some of the sponsors may have difficulty in providing such funds under the capital funds agreement and that prior advances by the sponsors to Vermont Yankee have been at a rate of interest of 1½ percent above the prime commercial rate (Holding Company Act Release No. 16838). It is also stated that these notes will not be renewed at the maturity date of March 15, 1971.

The proceeds from the sale of the notes will be used to pay for or to reimburse Vermont Yankee for payments made for fabrication, construction and acquisition of nuclear fuel, until a more permanent arrangement can be made. It is presently anticipated that the notes proposed herein will be paid through the sale of longer-term notes to another bank (see File No. 70-4968).

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be \$19,500, including legal fees of \$17,500.

Notice is further given that any interested person may, not later than February 9, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[FR Doc.71-1299 Filed 1-29-71;8:48 am]

## FEDERAL RESERVE SYSTEM

### FIRST BANC GROUP OF OHIO, INC.

#### Notice of Application for Approval of Acquisition of Shares of Bank

JANUARY 25, 1971.

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Banc Group of Ohio, Inc., which is a bank holding company located in Columbus, Ohio, for prior approval

by the Board of Governors of the acquisition by Applicant of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Citizens National Bank of Wooster, Wooster, Ohio.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

By order of the Board of Governors,  
January 25, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[FR Doc.71-1297 Filed 1-29-71;8:47 am]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 797]

### IOWA

#### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Webster County, Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county suffered damage or destruction resulting from fire occurring on January 12, 1971.

OFFICE

Small Business Administration District Office,  
210 Walnut Street, Des Moines, IA 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1971.

Dated: January 22, 1971.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.71-1267 Filed 1-29-71; 8:45 am]

[Declaration of Disaster Loan Area 798]

# NEW HAMPSHIRE

## Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1971, because of the effects of certain disasters, damage resulted to business property located in Winchester, N.H.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city suffered damage or destruction resulting from fire occurring on January 19 and 20, 1971.

OFFICE

Small Business Administration District Office,  
55 Pleasant Street, Concord, NH 03301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1971.

Dated: January 22, 1971.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.71-1266 Filed 1-29-71; 8:45 am]

# INTERSTATE COMMERCE COMMISSION

[Notice 236]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 27, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 5101 (Sub-No. 6 TA), filed January 22, 1971. Applicant: SREIN FURNITURE CARRIERS, INC., 924 Bent Road, Cornwells Heights, PA 19020. Applicant's representative: Robert D. Stair, 71 Knox Boulevard, Marlton, NJ 08053. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture, crated and uncrated, furniture parts, and materials used in the manufacture thereof*, from Laurel, Md., Fleetwood, Pa., Elizabeth and Riverside, N.J., to points in Delaware, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and the District of Columbia, for 180 days. Note: Applicant does intend to tack the authority here applied for to previous authority held under MC 5101 at Philadelphia, Pa., when necessary. Supporting shipper: Simmons Co., New York, N.Y., Brunswick Avenue and Allen Street, Elizabeth F., NJ 07207. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 51146 (Sub-No. 196 TA), filed January 22, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box

2298, 54306, Green Bay, WI 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Containers and containers ends*, from Lenexa, Kans., to Madisonville, Ky., and St. Louis, Mo., for 180 days. Supporting shipper: National Can Corp., Midway Center, 5959 South Cicero Avenue, Chicago, IL 60638 (J. E. Barton, Midwest District Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 109689 (Sub-No. 220 TA), filed January 22, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in section A of appendix I *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Plainview, Tex., to points in Kentucky, Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Amarillo, Tex. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta GA 30309.

No. MC 107515 (Sub-No. 730 TA), filed January 22, 1971. Applicant: W. S. HATCH CO., 643 South 800 West Street, Office: Woods Cross, UT 84087, Mail: Post Office Box 1825, Salt Lake City, UT 84087. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, from railroad siding at Pittsburg, Calif., to points in California north of Interstate 15 and California Highways 58, 119, and 166, for 180 days. Supporting shipper: CPC International Inc., International Plaza, Englewood Cliffs, NJ 07632 (R. V. Haugen, Assistant Transportation Manager Motor Transportation). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 110798 (Sub-No. 4 TA), filed January 22, 1971. Applicant: WILLISTON-SCOBEE TRANSFER, Post Office Box 455, Plentywood, MT 59254. Applicant's representative: Loren J. O'Toole, Plentywood, Mont. 59254. Authority sought to operate as a common carrier, by motor vehicle, over regular routes,



transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Plentywood, Mont., and Williston, N. Dak., serving the intermediate points of Westby, Mont., East Westby, N. Dak., Fortuna Air Force Base, N. Dak., and Fortuna, N. Dak., from Plentywood over Montana Highway 5 and North Dakota Highway 5 to junction U.S. Highway 85; thence to Williston, N. Dak., and return over the same route; between Opheim, Mont., and Glasgow, Mont., serving the intermediate point of Glasgow Air Force Base, from Opheim, Mont., to Glasgow, Mont., over Montana Highway 247 and return over the same route; between Plentywood, Mont., and the United States-Canada boundary line at or near the port of entry of Raymond, Mont., serving the intermediate point of Raymond; from Plentywood, Mont., over Montana Highway 5 to junction Montana Highway 256; thence Montana Highway 256 to the United States-Canada international boundary line, and return over the same route with authority to tack to its existing authority issued in MC-110798, for 180 days. Supporting shippers: Gamble Stores, Glasgow, Mont., Enco Service, Fortuna, N. Dak., Fortuna Air Force Base, Fortuna, N. Dak., Farmers Grain and Trading Co., Westby, Mont., Michael Love, Superintendent of Schools, Westby, Mont. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 119118 (Sub-No. 28 TA), filed January 22, 1971. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, PA 15650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Winston-Salem, N.C., to points in Pennsylvania on and west of U.S. Highway 15, and *empty containers* on return, for 120 days. Supporting shipper: Jos. Schlitz Brewing Co., Milwaukee, Wis. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 119789 (Sub-No. 55 TA), filed January 22, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from Hereford, Tex., to points in Alabama, Georgia, Florida, Maryland, Ohio, New York, New Jersey, Pennsylvania, and Massachusetts, for 180 days. NOTE: Carrier does not in-

tend to tack authority. Supporting shipper: Wilson Beef & Lamb Co., Hereford, Tex. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, TX 75202.

No. MC 119988 (Sub-No. 36 TA), filed January 22, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberland Drive, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Bennie Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bags, from Van Buren, Ark., to points in Texas, for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Diamond Shamrock Chemical Co., Nopco Chemical Division (I. Alfred Biondi, General Traffic Manager), Post Office Box 2386, Morristown, NJ 07960. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 124964 (Sub-No. 12 TA), filed January 22, 1971. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Office: 441 and Haines Creek Road, Eustis, FL 32726, Tavares, Fla. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juices, drinks, concentrates* not frozen and *fruit salads*, for the account of Doric Foods Corp., from Mount Dora, Fla., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, and the District of Columbia, for 150 days. NOTE: Applicant states it does intend to tack authority with MC 124964 (Sub-No. 12 TA). Supporting shipper: Doric Foods Corp., Post Office Box 986, Mount Dora, FL 32757. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 133093 (Sub-No. 3 TA), filed January 22, 1971. Applicant: CLIFFORD JONES, doing business as JONES TRUCK LINE, 3010 McNutt Road, Box 307, Sunland Park, NM 88063. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-*

*products*, from El Paso, Tex., to points in California, for 180 days. Supporting shipper: Starmill, Inc., 120 South La Salle Street, Chicago, IL 60603. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 135243 TA, filed January 22, 1971. Applicant: WISPAK TRANSPORT, INC., 4700 North 132d Street, Butler, WI 53007. Applicant's representative: Harry J. Welsfeldt, Suite 5058, Plankinton Building, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen meat, and suspended carcass meat*, from the plantsite, storage, and freezer facilities of Wisconsin Packing Co., Inc., in Milwaukee and Butler, Wis., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Tennessee; (2) *Carcass meat*, from Muncie, Ind., Dubuque, Postville, and Sioux City, Iowa; Wichita, Kans., Ottumwa, Minneapolis, St. Cloud, and St. Paul, Minn., Pittsburgh and Philadelphia, Pa., for Wisconsin Packing Co., Inc., Butler and Milwaukee, Wis., and (3) *Pallets*, from Philadelphia, Pa., and Knoxville, Tenn., to Wisconsin Packing Co., Inc., Butler and Milwaukee, Wis. The above indicated transportation is to be on a continuing contract with Wisconsin Packing Co., Inc., for 180 days. Supporting shipper: Wisconsin Packing Co., Inc., 305 South Third Street, Milwaukee, WI 53204 (Robert C. Heller, Vice President of Operations). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135245 TA, filed January 22, 1971. Applicant: BURGER'S EXPRESS, INC., doing business as BOULDER VALLEY TRANSFER, INC., 5541 Central, Boulder, CO 80302. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles and premiums* and (2) *equipment and supplies* used in connection with the commodities described in Item 1, from Boulder, Colo., to points in Boulder, Gilpin, Larimer, and Weld Counties, Colo., for 180 days. Supporting shipper: Avon Products, Inc., 83d and College, Kansas City, MO 64141. Send protests to: District Supervisor R. L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-1301 Filed 1-23-71; 8:43 am]

## CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
<b>PROCLAMATIONS:</b>		910— 41, 315, 685, 901, 1190, 1247, 1466		<b>PROPOSED RULES—Continued</b>	
3548 (see Proc. 4026) -----	5	915-----	1191	1124-----	921
3558 (see Proc. 4026) -----	5	930-----	1088	1125-----	921, 1478
3562 (see Proc. 4026) -----	5	947-----	1325	1126-----	921
3597 (see Proc. 4026) -----	5	953-----	1192	1127-----	921
3709 (see Proc. 4026) -----	5	966-----	41	1128-----	921
3790 (see Proc. 4026) -----	5	971-----	421	1129-----	921
3822 (see Proc. 4026) -----	5	1421-----	41, 42	1130-----	921
3856 (see Proc. 4026) -----	5	1804-----	1095	1131-----	921
3870 (see Proc. 4026) -----	5	1831-----	1099	1132-----	921
3884 (see Proc. 4026) -----	5	1871-----	1110	1133-----	921
4026-----	5	1890k-----	1131	1134-----	921
4027-----	1187	1890l-----	1131	1136-----	921
4028-----	1461	<b>PROPOSED RULES:</b>		1137-----	921
<b>EXECUTIVE ORDERS:</b>		32-----	1204	1138-----	921
July 3, 1905 (revoked by PLO		68-----	545		
4989) -----	1471	81-----	984		
2224 (revoked by PLO 4989) --	1471	Ch. IX-----	1266		
3249 (revoked by PLO 4989) --	1471	907-----	22	<b>8 CFR</b>	
3828 (revoked by PLO 4989) --	1471	908-----	22	3-----	316
4625 (see PLO 4989) -----	1471	928-----	1341	100-----	316
10427 (revoked by EO 11575) --	37	987-----	112	103-----	316
10737 (revoked by EO 11575) --	37	999-----	1354	211-----	1247
10973 (superseded in part by		1001-----	921	212-----	317
EO 11579) -----	969	1002-----	921	234-----	317
11248 (amended by EO 11581) --	1027	1004-----	921	238-----	1247
11495 (revoked by EO 11575) --	37	1006-----	921	242-----	317
11575-----	37	1007-----	921	243-----	317
11576-----	347	1011-----	921	341-----	1247
11577-----	349	1012-----	921		
11578-----	683	1013-----	921	<b>9 CFR</b>	
11579-----	969	1015-----	921	2-----	1132
11580-----	971	1030-----	921	76-----	74,
11581-----	1027	1032-----	921, 1273	144, 265, 318, 353, 493, 599, 776,	
		1033-----	921	899, 1038	
<b>5 CFR</b>		1036-----	921	78-----	493
213-----	11,	1040-----	921	97-----	1038, 1192
39, 261, 315, 353, 600, 1029, 1087,		1043-----	921	201-----	1039, 1132
1407, 1463		1044-----	921		
531-----	1029	1046-----	921	<b>10 CFR</b>	
2401-----	1189	1049-----	921	2-----	828
2410-----	315	1050-----	921	20-----	1466
		1060-----	921	30-----	145, 1466
<b>7 CFR</b>		1061-----	370, 921	40-----	145
0-----	413	1062-----	921, 1355	50-----	828
20-----	40	1063-----	921	70-----	146
53-----	1029	1064-----	921	170-----	146
201-----	1314	1065-----	921		
202-----	1314	1068-----	921	<b>12 CFR</b>	
210-----	1245, 1246	1069-----	921	213-----	1040
215-----	1030	1070-----	921	224-----	973
220-----	1246	1071-----	921	226-----	1040
225-----	1030	1073-----	921	303-----	1248
270-----	261	1075-----	921	304-----	1248
301-----	139, 261	1076-----	921	326-----	1248
354-----	823, 1190	1078-----	921	334-----	1248
401-----	262	1079-----	921	336-----	1249
711-----	1463	1090-----	921	545-----	901
722-----	11, 40, 1464	1094-----	921	563-----	902
725-----	11	1096-----	921	740-----	902
728-----	1030	1097-----	921	<b>PROPOSED RULES:</b>	
729-----	1464	1098-----	921	222-----	1430, 1432
730-----	139, 140, 900, 1465	1099-----	921	545-----	942, 1486
812-----	140	1101-----	921, 984	564-----	1211
814-----	141	1102-----	921		
815-----	11	1103-----	921	<b>13 CFR</b>	
857-----	1325	1104-----	921	121-----	43, 213, 315, 421, 1043
905-----	40, 41	1106-----	921	<b>PROPOSED RULES:</b>	
906-----	143	1108-----	921	121-----	204
907-----	144, 213, 543, 973, 1325	1120-----	921		
909-----	1087	1121-----	921		

## 14 CFR

	Page
1	43
37	15
39	15
214, 421, 422, 773, 904, 974, 1135, 1249	
71	44
147, 214-216, 319, 494, 773, 774, 904, 905, 974, 1249, 1250	
73	44, 1327
75	44, 494
91	43, 1467
95	823
97	147, 353, 600, 775, 1044, 1407
121	45
135	45
208	1135
224	1135
1204	600

## PROPOSED RULES:

Ch. I	1275
25	829
37	23
39	931
71	165
224, 225, 323-325, 556, 782, 783, 932, 955, 1357, 1358, 1485	
73	435, 833
75	165, 1275
91	325
Ch. II	1209
221	1358
302	1209

## 15 CFR

50	905
1000	975

## PROPOSED RULES:

7	113
1020	547
1025	547
1030	547
1035	547
1040	547
1050	547

## 16 CFR

13	905-908, 1045-1056, 1250
421	45
422	354
501	1329

## PROPOSED RULES:

415	226
428	784
429	437, 945, 1211
430	379
432	379
433	1211
434	1212
501	945

## 17 CFR

230	777, 976
239	777
240	976

## PROPOSED RULES:

150	1340
-----	------

## 18 CFR

101	508
104	509, 519
105	511, 525
141	512, 530
154	45
201	366, 512
204	515, 530
205	516, 537

## 18 CFR—Continued

260	366, 517, 543
601	1467
PROPOSED RULES:	
2	437
3	1487
32	1487
33	1487
34	1487
35	1487
36	1487
45	1487
154	69, 167, 943
157	943
159	1487
201	377, 945
260	377, 943, 945

## 19 CFR

1	601
4	1056, 1408
6	1057
8	1057
10	778
15	1057
18	1058
123	1058
174	778, 1058

## PROPOSED RULES:

8	781
10	432
13	432
16	432
25	432
54	432

## 20 CFR

615	46
625	601

## PROPOSED RULES:

404	612
-----	-----

## 21 CFR

19	495
20	422
45	977
120	423
121	423, 495
130	824
133	601, 1193
135a	424
135c	423
135e	495
135g	496
138	778
141	1136, 1327
147	1408
148e	1137
148h	148
148i	825
148j	1408
148o	1136
148s	1408
149q	1327
316	978
420	424, 1193

## PROPOSED RULES:

3	928
14	1482
19	1153
25	829
121	224, 1482
130	1274
191	1275

## 23 CFR

1	1253
204	1137

## 24 CFR

200	424
203	216, 685, 1410
207	216, 686
213	686
220	216, 686
221	686, 1410
232	686
233	909
234	686, 1410
235	687, 1410
236	687
241	687
242	687
1000	687
1100	687
1914	263, 606
1915	264, 607

## PROPOSED RULES:

1720	985
------	-----

## 25 CFR

## PROPOSED RULES:

15	1204
----	------

## 26 CFR

1	266
13	150
44	505
45	506
154	151
181	658, 909
301	506

## PROPOSED RULES:

1	17
70, 106, 292, 370, 781, 1149	1151
31	20
42	107

## 28 CFR

0	981, 1251
---	-----------

## 29 CFR

4	285
6	287
462	688
524	50
541	608
619	221
661	221
672	427
683	428
721	428
723	52
724	429
725	222
726	427
728	1058, 1467
729	1059, 1467
870	367

## PROPOSED RULES:

30	1419
462	985
525	69
541	1273

## 30 CFR

100	779
-----	-----

## PROPOSED RULES:

71	252
----	-----

## 31 CFR

605	1138
-----	------

## 32 CFR

155	319
259	505

**32 CFR—Continued**

Page

564	1138
865	1138
1001	1251
1012	1251
1472	687
1709	367, 1329
1710	367, 1330
1711	1330
1715	1330

**32A CFR**

OIA (Ch. X):	
OI Reg. 1	52, 320, 775, 1476
NSA (Ch. XVIII):	
AGE 2	429
PROPOSED RULES:	
Ch. X	224, 1062, 1487

**33 CFR**

3	909, 1337
117	982, 1194, 1195, 1410, 1411
207	1252
208	54
PROPOSED RULES:	
66	928
117	323, 1208
209	983

**35 CFR**

5	496
---	-----

**36 CFR**

1	154
2	685
6	156
7	55, 156, 506
12	154
55	154
251	156
PROPOSED RULES:	
2	167
6	1062

**37 CFR**

PROPOSED RULES:	
1	610, 611, 1356, 1357
2	611
3	1357

**38 CFR**

2	1253
6	368
8	368
17	320
21	1468
36	320, 543, 1253

**39 CFR**

1	688
2	688
3	689
4	690
5	690
6	690
124	1468
169	1141, 1409
171	157
958	1142
3001	396
PROPOSED RULES:	
124	433

**41 CFR**

Page

1-1	288
1-2	288
1-16	217, 826
3-1	56
3-7	56
3-16	56
5A-2	157, 505
5A-6	1263
5A-7	1411
5A-8	157
5A-16	157
5A-72	15
5A-76	1264
5B-16	828
18-2	691
18-3	707
18-4	761
50-201	288
50-203	288
101-26	1412
114-26	59
114-38	59
114-45	59, 221
114-47	221

**42 CFR**

73	1470
458	1143
481	222
PROPOSED RULES:	
59a	1484
410	1502
479	1486
481	226,
293, 435, 436, 613, 616, 617, 932,	
933, 934, 1210, 1276	

**43 CFR**

PUBLIC LAND ORDERS:	
337 (revoked by PLO 4989)	1471
718 (revoked by PLO 4989)	1471
782 (revoked by PLO 4989)	1471
2670 (revoked by PLO 4989)	1471
4582:	
Modified by PLO 4988	321
See PLO 4989	1471
4669 (see PLO 4988)	321
4941 (corrected by PLO 4991)	1472
4962:	
See PLO 4988	321
See PLO 4989	1471
4976	60
4978	60
4979	60
4980	61
4981	61
4982	61
4983	61
4984	61
4985	62
4986	62
4987	367
4988	321
4989	1471
4990	1471
4991	1472

**PROPOSED RULES:**

2850	782
------	-----

**45 CFR**

113	1412
114	1412
115	1415

**45 CFR—Continued**

Page

177	62
213	1464
251	912
<b>46 CFR</b>	
2	982
308	1336
390	368
541	1337
PROPOSED RULES:	
251	1208
381	609
542	834, 990

**47 CFR**

0	158, 505
1	1147
42	913
73	915, 1264, 1415
97	158
PROPOSED RULES:	
2	1426
63	1064
73	329,
557, 560, 562, 617, 618, 934, 935,	
996, 1066, 1160, 1426-1429	
74	619, 936, 939, 1425, 1486

**49 CFR**

1	367, 430
5	430
7	63, 430
9	431
95	431
99	431
173	64, 1472, 1473
177	1473
250	769
391	222
551	1147
553	1147
555	1148
567	1148
571	289, 503, 1148, 1195
574	1196
575	1148
601	982
1033	64, 772, 773, 1202, 1417, 1475
1055	1337
1056	158
1201	64
PROPOSED RULES:	
71	225
173	292, 613, 1153
178	613, 1063
193	996
230	833
571	166, 326, 996, 1064, 1156, 1160
575	557
Ch. X	226
1061	619
1100	438

**50 CFR**

17	1264
28	368, 369, 506, 1339
33	16, 322, 369, 431, 825, 1050
240	158
PROPOSED RULES:	
33	1062
80	370

# FEDERAL REGISTER

VOLUME 36 • NUMBER 21

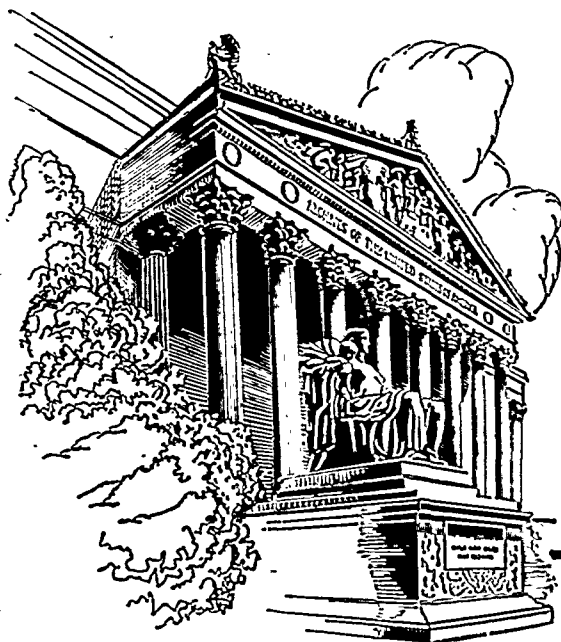
Saturday, January 30, 1971 • Washington, D.C.

PART II

## ENVIRONMENTAL PROTECTION AGENCY

National Primary and Secondary  
Ambient Air Quality Standards  
and Air Pollution and Control

Notice of Proposed  
Standards and List  
of Air Pollutants



# ENVIRONMENTAL PROTECTION AGENCY

[ 42 CFR Part 410 ]

## NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

### Notice of Proposed Standards for Sulfur Oxides, Particulate Matter, Carbon Monoxide, Photochemical Oxidants, Hydrocarbons, and Nitrogen Oxides

Section 109 of the Clean Air Act, as amended December 31, 1970 (Public Law 91-640), directs the Administrator of the Environmental Protection Agency to publish, no later than January 30, 1971, proposed national primary and secondary ambient air quality standards for each pollutant for which air quality criteria were issued prior to enactment of the amendments. The section also provides that after December 31, 1970, the Administrator shall, simultaneously with his issuance of air quality criteria and information on control techniques for a pollutant, publish proposed national primary and secondary ambient air quality standards for that pollutant. Primary ambient air quality standards define levels of air quality which the Administrator judges necessary, based on the air quality criteria and allowing an adequate margin of safety, to protect the public health. Secondary ambient air quality standards define levels of air quality which the Administrator judges necessary, based on the air quality criteria to protect the public welfare from any known or anticipated adverse effects of an air pollutant.

Prior to December 31, 1970, air quality criteria had been issued for these five pollutants: Sulfur oxides and particulate matter (34 F.R. 1988); carbon monoxide, photochemical oxidants, and hydrocarbons (35 F.R. 4768). The Administrator has determined that nitrogen oxides, which are present in the ambient air as a result of emissions from numerous and diverse mobile and stationary sources and for which air quality criteria were not issued prior to December 31, 1970, are air pollutants which adversely affect public health and welfare. In accordance with section 108 of the Act, the following are published in a notice in this issue of the FEDERAL REGISTER:

1. A list of air pollutants, required to be published no later than January 30, 1971, which identifies nitrogen oxides as air pollutants for which air quality criteria will be issued and for which national primary and secondary ambient air quality standards will be promulgated, and

2. An announcement of the issuance of air quality criteria for nitrogen oxides.

Pursuant to section 109 of the Clean Air Act, notice is hereby given of proposed national primary and secondary ambient air quality standards as set forth in Part 410 below, which would be added to Chapter IV of Title 42, Code of Fed-

eral Regulations. With respect to carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen oxides, adverse welfare effects have not been observed to occur at levels below the levels of the proposed primary standards. For each of those pollutants, therefore, the proposed secondary standard has been specified at the level of the proposed primary standard.

The characteristics of the six air pollutants named above are, briefly, as follows:

**Sulfur oxides.** Sulfur oxides, which arise primarily from the combustion of sulfur-containing fossil fuels, are prevalent in polluted air. Their presence in the ambient air has been associated with a variety of respiratory diseases and increased mortality rates. They represent a significant economic burden and have a nuisance impact. Sulfur dioxide is an indicator of the presence of sulfur oxides in polluted air and is an important index of the effects which have been associated with these contaminants.

Detailed information on sulfur oxides is presented in the document "Air Quality Criteria for Sulfur Oxides" (NAPCA Publication No. AP-50), which provided a basis for the development of the standards set forth below.

**Particulate matter.** Particulate matter refers to any matter dispersed in the air, whether solid or liquid, in which the individual particles are larger than small molecules but smaller than 500 microns. Particles smaller than 1 micron in diameter originate in the atmosphere principally through condensation and combustion, while larger particles arise principally from erosion and abrasion. Particulate matter of technological origin is pervasive in its distribution and is associated with a variety of adverse effects on public health and welfare. Particulate matter in the respiratory tract may produce injury by itself, or it may act in conjunction with gases, altering their sites or their mode of action. Particles cleared from the respiratory tract by transfer to the lymph, blood, or gastrointestinal tract may produce effects elsewhere in the body.

Detailed information on particulate matter is presented in the document "Air Quality Criteria for Particulate Matter" (NAPCA Publication No. AP-49), which provided a basis for the development of the standards set forth below.

**Carbon monoxide.** Carbon monoxide is the product of incomplete combustion of carbonaceous fuels and is widely prevalent in ambient air. It is absorbed through the lungs and reacts primarily with the hemoglobin in red blood cells. It decreases the oxygen carrying capacity of the blood and reduces the availability of oxygen transported to vital tissues by the blood.

Detailed information on carbon monoxide is presented in the document "Air Quality Criteria for Carbon Monoxide" (NAPCA Publication No. AP-62), which provided a basis for the development of the standards set forth below.

**Photochemical oxidants.** Photochemical oxidants are produced in the atmosphere when reactive organic substances,

principally reactive hydrocarbons, and nitrogen oxides are exposed to sunlight. Photochemical oxidants cause irritation of the mucous membranes, damage to vegetation, and deterioration of materials. They affect the clearance mechanism of the lungs and alter resistance to respiratory bacterial infection. Photochemical oxidants have been implicated as accelerators in the aging process.

Detailed information on photochemical oxidants is presented in the document "Air Quality Criteria for Photochemical Oxidants" (NAPCA Publication No. AP-63) which provided a basis for the development of the standards set forth below.

**Hydrocarbons.** Hydrocarbons are primarily associated with the processing, marketing, and use of petroleum products and are widely prevalent in the ambient air. They constitute the principal portion of these volatile reactive organic substances in the atmosphere which are the precursors of other compounds formed in the atmospheric photochemical system and which result in the manifestations of photochemical smog. Methane, which occurs naturally in the atmosphere at relatively high levels, is not considered to be involved in the photochemical reactions. The only direct effect attributable to ambient levels of hydrocarbons is the vegetation damage from ethylene.

Detailed information on hydrocarbons is presented in the document "Air Quality Criteria for Hydrocarbons" (NAPCA Publication No. AP-64) which provided a basis for the development of the standards set forth below.

**Nitrogen oxides.** Nitrogen oxides result from the fixation of nitrogen and oxygen at high temperatures and are typically associated with combustion processes. They are also related to certain chemical processes. The principal nitrogen oxide formed in the combustion process is nitric oxide. This compound has not been shown to have health or welfare effects at present or anticipated ambient concentrations. However, there are several atmospheric reactions which lead to the oxidation of nitric oxide to nitrogen dioxide, and the presence of nitrogen dioxide in ambient air has been associated with a variety of respiratory diseases. Nitrogen dioxide is essential to the production of photochemical smog. At higher concentrations, its presence has been implicated in the corrosion of electrical components as well as vegetation damage.

Detailed information on nitrogen oxides is presented in the document "Air Quality Criteria for Nitrogen Oxides" (EPA Publication No. AP-84) which provided a basis for the development of the standards set forth below.

The air quality criteria documents referred to above are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Prices are as follows:

Sulfur oxides (AP-50)-----	\$1.25
Particulate matter (AP-49)-----	1.75
Carbon monoxide (AP-62)-----	1.50
Hydrocarbons (AP-64)-----	1.25
Photochemical oxidants (AP-63)-----	1.75
Nitrogen oxides (AP-84)-----	1.50



Orders for any of the above documents should be accompanied by a check or money order payable to the Superintendent of Documents.

Copies of the summary-and-conclusions chapter of each air quality criteria document are available free of charge from the Air Pollution Control Office, Environmental Protection Agency, 5600 Fishers Lane, Rockville, MD 20852, Attention: Publications Section.

Interested persons may submit written comments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Parklawn Building, Room 17-59, 5600 Fishers Lane, Rockville, MD 20852. All relevant comments received not later than 45 days after the publication of this proposal will be considered. The standards, modified as the Administrator deems appropriate after consideration of comments, will be promulgated no later than 90 days from the date of publication of this notice, as required by the Act.

This notice of proposed rulemaking is issued under the authority of section 4, Public Law 91-604, 84 Stat. 1679.

Dated: January 25, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator.

A new Part 410 would be added to Chapter IV, Title 42, Code of Federal Regulations, as follows:

#### PART 410—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Sec.	Definitions.
410.1	Scope.
410.2	Measurement corrections.
410.3	National primary ambient air quality standards for sulfur oxides (sulfur dioxide).
410.4	National secondary ambient air quality standards for sulfur oxides (sulfur dioxide).
410.5	National primary ambient air quality standards for particulate matter.
410.6	National secondary ambient air quality standards for particulate matter.
410.7	National primary and secondary ambient air quality standards for carbon monoxide.
410.8	National primary and secondary ambient air quality standards for photochemical oxidants.
410.9	National primary and secondary ambient air quality standards for hydrocarbons.
410.10	National primary and secondary ambient air quality standards for nitrogen dioxide.
410.11	Appendix A—Method for Determination of Sulfur Dioxide (Pararosaniline Method).
Appendix A	Appendix B—Procedure for Determination of Suspended Particulates (High Volume Method).
Appendix B	Appendix C—Method for Continuous Measurement of Carbon Monoxide (Nondispersive Infrared Spectrometry).
Appendix C	Appendix D—Method for Determination of Oxidants (Neutral Buffered Potassium Iodide Method).
Appendix D	Appendix E—Part 1: Method for Continuous Measurement of Hydrocarbons (Flame Ionization Method).
Appendix E	Part 2: Method for Measurement of Methane.

Appendix F—Method for Determination of Nitrogen Dioxide in the Atmosphere (24-Hour Sampling Method).

#### § 410.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(b) "Act" means the Clean Air Act, as amended (Public Law 91-604).

(c) "Agency" means the Environmental Protection Agency.

(d) "Administrator" means the Administrator of the Environmental Protection Agency.

#### § 410.2 Scope.

(a) National primary and secondary ambient air quality standards under section 109 of the Act are set forth in this part.

(b) National primary ambient air quality standards define levels of air quality which the Administrator judges are necessary, with an adequate margin of safety, to protect the public health. National secondary ambient air quality standards define levels of air quality which the Administrator judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. Such standards are subject to revision, and additional primary and secondary standards may be promulgated as the Administrator deems necessary to protect the public health and welfare.

(c) The promulgation of national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of any State.

(d) The proposal, promulgation, or revision of national primary and secondary ambient air quality standards shall not prohibit any State from establishing ambient air quality standards for that State or any portion thereof which are more stringent than the national standards.

#### § 410.3 Measurement corrections.

All measurements of air quality are corrected to a reference temperature of 20° C. and to a reference pressure of 760 millimeters of mercury.

#### § 410.4 National primary ambient air quality standards for sulfur oxides (sulfur dioxide).

The national primary ambient air quality standards for sulfur oxides, measured as sulfur dioxide by a method referenced to the pararosaniline method, as described in Appendix A to this part, are:

(a) 80 micrograms per cubic meter—annual arithmetic mean.

(b) 365 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

#### § 410.5 National secondary ambient air quality standards for sulfur oxides (sulfur dioxide).

The national secondary ambient air quality standards for sulfur oxides, measured as sulfur dioxide by a method referenced to the pararosaniline method, as described in Appendix A to this part, are:

(a) 60 micrograms per cubic meter—annual arithmetic mean.

(b) 260 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

#### § 410.6 National primary ambient air quality standards for particulate matter.

The national primary ambient air quality standards for particulate matter, measured by the high-volume sampling method, as described in Appendix B to this part, are:

(a) 75 micrograms per cubic meter—annual geometric mean.

(b) 260 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

#### § 410.7 National secondary ambient air quality standards for particulate matter.

The national secondary ambient air quality standards for particulate matter, measured by the high-volume sampling method, as described in Appendix B to this part, are:

(a) 60 micrograms per cubic meter—annual geometric mean.

(b) 150 micrograms per cubic meter—maximum 24-hour concentration not to be exceeded more than once per year.

#### § 410.8 National primary and secondary ambient air quality standards for carbon monoxide.

The national primary and secondary ambient air quality standards for carbon monoxide, measured by the nondispersive infrared method, as described in Appendix C to this part, or equivalent method, are:

(a) 10 milligrams per cubic meter—maximum 8-hour concentration not to be exceeded more than once per year.

(b) 15 milligrams per cubic meter—maximum 1-hour concentration not to be exceeded more than once per year.

#### § 410.9 National primary and secondary ambient air quality standards for photochemical oxidants.

The national primary and secondary ambient air quality standards for photochemical oxidants, measured by a method referenced to the neutral-buffered 1 percent potassium iodide colorimetric technique and corrected for interferences due to nitrogen oxides and sulfur dioxide, as described in Appendix D to this part, are: 125 micrograms per cubic meter—maximum 1-hour concentration not to be exceeded more than once per year.

#### § 410.10 National primary and secondary ambient air quality standards for hydrocarbons.

The national primary and secondary ambient air quality standards for hydrocarbons, measured by the flame ionization detection method, as described in Appendix E to this part (Part 1), and corrected for methane in the sampled air by the procedures described in Appendix E to this part, or by an equivalent procedure, are: 125 micrograms per cubic meter—maximum 3-hour concentration (6 to 9 a.m.) not to be exceeded more than once per year.

# § 410.11 National primary and secondary ambient air quality standards for nitrogen dioxide.

The national primary and secondary ambient air quality standards for nitrogen dioxide, measured by a method referenced to the 24-hour sampling method, as described in Appendix F to this part, are:

- (a) 100 micrograms per cubic meter—annual arithmetic mean.
- (b) 250 micrograms per cubic meter—24-hour concentration not to be exceeded more than once per year.

## APPENDIX A

### PART 1—METHOD FOR DETERMINATION OF SULFUR DIOXIDE (PARAROSANILINE METHOD)

1. *Principle and applicability of method.*  
1.1 Sulfur dioxide is absorbed from air in a solution of potassium tetrachloromercurate (TCM). A dichlorosulfite-mercurate complex, which resists oxidation by the oxygen in the air, is formed.<sup>1,2</sup> Once formed, this complex is stable to strong oxidants (e.g., ozone, oxides of nitrogen).

1.2 The complex is reacted with pararosaniline and formaldehyde to form intensely colored pararosaniline methyl sulfonic acid. The absorbance of the solution is measured spectrophotometrically.

2. *Range and sensitivity.* 2.1 Concentrations of sulfur dioxide in the range of 25 to 1,000  $\mu\text{g}/\text{m}^3$  (0.01 to 0.40 p.p.m.) can be measured under the conditions given. One can extrapolate to concentrations below 25  $\mu\text{g}/\text{m}^3$  by sampling larger volumes of air, but only if the absorption efficiency of the particular system is first determined. Higher concentrations can be analyzed by using smaller gas samples, a larger collection volume, or a suitable aliquot of the collected sample.

2.2 The lower limit of detection of sulfur dioxide in 10 ml. TCM is 0.75  $\mu\text{g}$ . (based on twice the standard deviation) representing a concentration of 25  $\mu\text{g}/\text{m}^3$   $\text{SO}_2$  (0.01 p.p.m.) in an air sample of 30 liters.

2.3 Beer's Law is followed through the working range from 0.0 to 1.0 absorbance units (0 to 27  $\mu\text{g}$  of sulfite ion in 25 ml. final solution computed as  $\text{SO}_2$ ).

3. *Interferences.* 3.1 The effects of the principle known interferences have been minimized or eliminated. Interferences by oxides of nitrogen are eliminated by sulfamic acid,<sup>3</sup> ozone by time-delay,<sup>4</sup> and heavy metals by EDTA (ethylenediaminetetraacetic acid disodium salt) and phosphoric acid.<sup>5</sup> At least 60  $\mu\text{g}$ . Fe(III), 10  $\mu\text{g}$ . Mn(II), and 10  $\mu\text{g}$ . Cr(III) in 10 ml. absorbing reagent can be tolerated in the procedure. No significant interference was found with 10  $\mu\text{g}$ . Cu(II) and 22  $\mu\text{g}$ . V(V).

4. *Precision, accuracy, and stability.* 4.1 Relative standard deviation at the 95 percent confidence level is 4.6 percent for the analytical procedure using standard samples.<sup>6</sup>

4.2 After sample collection the solutions are relatively stable. At 25° C. losses of sulfur dioxide occur at the rate of 1.5 percent per day. When samples are stored at 5° C. for 30 days, no detectable losses of sulfur dioxide occur. The presence of EDTA enhances the stability of  $\text{SO}_2$  in solution, and the rate of decay is independent of the concentration of  $\text{SO}_2$ .<sup>7</sup>

## 5. Apparatus. 5.1 Sampling.

5.1.1 Absorber—Absorbers normally used in air pollution sampling are acceptable for concentrations above 25  $\mu\text{g}/\text{m}^3$  (0.01 p.p.m.). An all-glass midjet impinger, as shown in Figure 1, is recommended for 30-minute samples.

5.1.2 Pump—Capable of maintaining an air pressure differential greater than 0.7 atmosphere at the desired flow rate.

5.1.3 Air Flowmeter or Volume Meter—Capable of measuring air flow within  $\pm 2$  percent. A wet or dry gas meter, with manometer, or a specially calibrated rotameter, is satisfactory. A 22-gauge hypodermic needle 1-in. long may be used as a critical orifice to give a flow of about 1 liter/min. if it has first been calibrated in the system. Use a membrane filter to protect the needle.

## 5.2 Analysis.

5.2.1 Spectrophotometer—Suitable for measurement of absorbance at 548 nm. with an effective spectral band of less than 15 nm. Reagent blank problems may occur with spectrophotometers having greater spectral band width. The wavelength calibration of the instrument should be verified. If transmittance is measured, this can be converted to absorbance:

$$A = \log_{10} (I/T)$$

## 6. Reagents. 6.1 Sampling.

6.1.1 Distilled water—Must be free from oxidants.

6.1.2 Absorbing Reagent (0.04 M Potassium Tetrachloromercurate (TCM))—Dissolve 10.86 g. mercuric chloride, 0.066 g. EDTA (Ethylenediaminetetraacetic acid disodium salt), and 6.0 g. potassium chloride in water and bring to mark in a 1,000-ml. volumetric flask. (Caution: highly poisonous. If spilled on skin, flush off with water immediately.) The pH of this reagent should be approximately 4.0, but it has been shown that there is no appreciable difference in collection efficiency over the range of pH 5 to pH 3.7. The absorbing reagent is normally stable for 6 months. If a precipitate forms, discard the reagent.

## 6.2 Analysis.

6.2.1 Sulfamic Acid (0.6 percent)—Dissolve 0.6 g. sulfamic acid in 100 ml. distilled water. Prepare fresh daily.

6.2.2 Formaldehyde (0.2 percent)—Dilute 5 ml. formaldehyde solution (36-38 percent) to 1,000 ml. with distilled water. Prepare daily.

6.2.3 Stock Iodine Solution (0.1 N)—Place 12.7 g. iodine in a 250-ml. beaker; add 40 g. potassium iodide and 25 ml. water. Stir until all is dissolved, then dilute to 1,000 ml. with distilled water.

6.2.4 Iodine Solution (0.01 N)—Prepare approximately 0.01 N iodine solution by diluting 50 ml. of stock solution to 500 ml. with distilled water.

6.2.5 Starch Indicator Solution—Triturate 0.4 g. soluble starch and 0.003 g. mercuric iodide (preservative) with a little water, and add the paste slowly to 200 ml. boiling water. Continue boiling until the solution is clear; cool, and transfer to a glass-stoppered bottle.

6.2.6 Stock Sodium Thiosulfate Solution (0.1 N)—Prepare a stock solution by dissolving 25 g. sodium thiosulfate ( $\text{Na}_2\text{S}_2\text{O}_3 \cdot 5\text{H}_2\text{O}$ ) in 1,000 ml. freshly boiled, cooled, distilled water and add 0.1 g. sodium carbonate to the solution. Allow the solution to stand 1 day before standardizing. To standardize, accurately weigh, to the nearest 0.1 mg., 1.5 g. primary standard potassium iodate dried at 180° C. and dilute to volume in a 500-ml. volumetric flask. To a 500 ml. iodine flask, pipet 50 ml. of iodate solution. Add 2 g. potassium iodide and 10 ml. of 1 N hydrochloric acid. Stopper the flask. After 5 minutes, titrate with stock thiosulfate solution to a pale yellow. Add 5 ml. starch indicator solution and complete the titration. Calculate the normality of the stock solution.

$$N = \frac{W}{M} \times 2.80$$

N = Normality of stock thiosulfate solution.

M = Volume of thiosulfate required, ml.  
W = Weight of potassium iodate, grams.

$$2.80 = \frac{10^3 (\text{conversion of g. to mg.}) \times 0.1 (\text{fraction iodate used})}{35.67 \text{ equivalent weight of potassium iodate}}$$

6.2.7 Sodium Thiosulfate Titrant (0.01 N)—Dilute 100 ml. of the stock thiosulfate solution to 1,000 ml. with freshly boiled distilled water.

Normality = Normality of Stock Solution  $\times 0.100$ .

6.2.8 Standardized Sulfite Solution for Preparation of Working Sulfite-TCM Solution—Dissolve 0.30 g. sodium metabisulfite ( $\text{Na}_2\text{S}_2\text{O}_5$  or 0.40 g. sodium sulfite ( $\text{Na}_2\text{SO}_3$ ) in 500 ml. of recently boiled, cooled, distilled water. (Sulfite solution is unstable; it is therefore important to use water of the highest purity to minimize this instability.) This solution contains the equivalent of 320 to 400  $\mu\text{g}/\text{ml}$ . of  $\text{SO}_2$ . The actual concentration of the solution is determined by adding excess iodine and back-titrating with standard sodium thiosulfate solution. To back-titrate, pipet 50 ml. of the 0.01 N iodine into each of two 500-ml. iodine flasks (A and B). To flask A (blank) add 25 ml. distilled water, and to flask B (sample) pipet 25 ml. sulfite solution. Stopper the flasks and allow to react for 5 min. Prepare the working sulfite-TCM solution (6.2.9) at the same time iodine solution is added to the flasks. By means of a buret containing standardized 0.01 N Thiosulfate, titrate each flask in turn to a pale yellow. Then add 5 ml. starch solution and continue the titration until the blue color disappears.

6.2.9 Working Sulfite-TCM Solution—Pipet accurately 2 ml. of the standard solution into a 100-ml. volumetric flask and bring to mark with 0.04 M TCM. Calculate the concentration of sulfur dioxide in the working solution:

$$\mu\text{g. SO}_2/\text{ml.} = \frac{(A-B) (N) (32,000) \times 0.02}{25}$$

32,000 = Milliequivalent wt.,  $\mu\text{g}$ .

A = Volume thiosulfate for blank, ml.

B = Volume thiosulfate for sample, ml.

N = Normality of thiosulfate titrant.

25 = Volume standard sulfite solution, ml.

0.02 = Dilution factor.

This solution is stable for 30 days if kept at 5° C. (refrigerator). If not kept at 5° C., prepare daily.

6.2.10.1 Dye Specifications—The pararosaniline dye must meet the following performance specifications: (1) The dye must have a wavelength of maximum absorbance at 540 nm. when assayed in a buffered solution of 0.1 M sodium acetate-acetic acid; (2) the absorbance of the reagent blank, which is temperature-sensitive (0.015 absorbance unit/° C.), should not exceed 0.170 absorbance unit at 22° C. with a 1-cm. optical path length, when the blank is prepared according to the prescribed analytical procedure and to the specified concentration of the dye; (3) the calibration curve (Section 8.2.1) should have a slope of  $0.030 \pm 0.003$  absorbance units/ $\mu\text{g}$ .  $\text{SO}_2$  at this path length when the dye is pure and the sulfite solution is properly standardized.

6.2.10.2 Preparation of Stock Solution—A specially purified (99-100 percent pure) solution of pararosaniline, which meets the above specifications, is commercially available in the required 0.20 percent concentration (Harleco\*). If this cannot be obtained, the stock solution may be prepared by dissolving 0.200 g. of the purified dye in 100 ml. of 1 N hydrochloric acid in a 100 ml. glass stoppered graduated cylinder. (See Scaringelli, et al.<sup>4</sup> for the purification and assay procedures.)

\*Hartmen-Leddon, 60th and Woodland Avenue, Philadelphia, PA 19143.

**6.2.11 Pararosaniline Reagent**—To a 250-ml. volumetric flask, add 20 ml. stock pararosaniline solution. Add an additional 0.2 ml. stock solution for each percent the stock assays below 100 percent. Then add 25 ml. 3 M phosphoric acid and dilute to volume with distilled water. This reagent is stable for at least 9 months.

**7. Procedure.** **7.1 Sampling**—Procedures are described for short term (30 min.) and for long term (24 hours) sampling. One can select different combinations of sampling rate and time to meet special needs. Fixing sample volume at 30 liters maintains linearity between absorbance and concentration over this dynamic range.

**7.1.1 30-Minute Sampling**—Insert a midjet impinger into the sampling system, Figure 1. Add 10 ml. TCM solution to the impinger. Collect sample at 1 liter/min. for 30 min. Shield the absorbing reagent from direct sunlight during and after sampling by covering the impinger with aluminum foil, to prevent deterioration. Record the actual volume of air by multiplying the flow rate by the time in minutes. Remove and stopper the impinger. If the sample must be stored for more than a day before analysis, keep it at 5° C. in a refrigerator (see 4.2).

**7.1.2 24-Hour Sampling**—Place 15–20 ml. TCM solution in a midjet impinger or 50 ml. in a larger impinger and collect the sample at 0.2 liter/min. for 24 hours. Make sure no entrainment of solution results with the impinger. During collection and storage protect from direct sunlight. Record the total volume of sample by multiplying the flow rate by the time in minutes. If storage is necessary, refrigerate at 5° C. (see 4.2).

## 7.2 Analysis.

**7.2.1 Sample Preparation**—After collection, if a precipitate is observed in the sample, remove it by centrifugation.

**7.2.1.1 30-Minute Sample**—Transfer the sample quantitatively to a 25-ml. volumetric flask; use about 5 ml. distilled water for rinsing. Delay analyses for 20 min. to allow any ozone to decompose.

**7.2.1.2 24-Hour Sample**—Dilute the entire sample to 25 ml. for the midjet impinger or 50 ml. for the larger impinger, with absorbing solution. Pipet one-tenth of the sample into a 25 ml. volumetric flask for chemical analyses. Delay analyses for 20 min. to allow any ozone to decompose.

**7.2.2 Determination**—For each set of determinations prepare a reagent blank by adding 10 ml. unexposed TCM solution to a 25 ml. volumetric flask. Prepare a control solution by adding 2 ml. of working sulfite-TCM solution and 8 ml. TCM solution to a 25-ml. volumetric flask. To each flask containing either sample, control solution or reagent blank, add 1 ml. 0.6 percent sulfamic acid and allow to react 10 min. to destroy the nitrite from oxides of nitrogen. Accurately pipet in 2 ml. 0.2 percent formaldehyde solution, then 5 ml. pararosaniline solution. Start a laboratory timer that has been set for 30 minutes. Bring all flasks to volume with freshly boiled and cooled distilled water and mix thoroughly. After 30 min. and before 60 min., determine the absorbances of the sample, reagent blank and the control solution at 548 nm. using 1-cm. optical path length cells. Use distilled water, not the reagent blank, as the reference. (NOTE: This is important because of the color sensitivity of the reagent blank to temperature changes which can be induced in the cell compartment of a spectrophotometer.)

Do not allow the colored solution to stand in the absorbance cells, because a film of dye may be deposited. Clean cells with alcohol after use. If the temperature of the determinations does not differ by more than 2° C. from the calibration temperature (8.2), the reagent blank should be within 0.03 absorbance unit of the y-intercept of the calibration curve (8.2). If the reagent blank differs by more than 0.03 absorbance unit, from that found in the calibration curve, prepare a new curve.

**7.2.3 Absorbance Range**—If the absorbance of the sample solution ranges between 1.0 and 2.0, the sample can be diluted 1:1 with a portion of the reagent blank and read within a few minutes. Solutions with higher absorbance can be diluted up to sixfold with the reagent blank in order to obtain on-scale readings within 10 percent of the true absorbance value.

**8. Calibration and efficiencies.** **8.1 Flowmeters and Hypodermic Needle**—Calibrate flowmeters and hypodermic needle against a calibrated wet test meter.

## 8.2 Calibration Curves.

**8.2.1 Procedure with Sulfite Solution**—Accurately pipet graduated amounts of the working sulfite-TCM solution (such as 0, 0.5, 1, 2, 3, and 4 ml.) into a series of 25-ml. volumetric flasks. Add sufficient TCM solution to each flask to bring the volume to approximately 10 ml. Then add the remaining reagents as described in 7.2.2. For maximum precision use a constant-temperature bath. The temperature of calibration must be maintained within  $\pm 1^\circ$  C. and in the range of 20 to 30° C. The temperature of calibration and the temperature of analysis must be within 2 degrees. Plot the absorbance against the total concentration in  $\mu\text{g. SO}_2$  for the corresponding solution. The total  $\mu\text{g. SO}_2$  in solution equals the concentration of the standard (Section 6.2.9) in  $\mu\text{g. SO}_2/\text{ml.}$  times the ml. sulfite solution added ( $\mu\text{g. SO}_2 = \mu\text{g./ml. SO}_2 \times \text{ml. added}$ ). A linear relationship should be obtained, and the y-intercept should be within 0.02 absorbance unit of the zero standard absorbance. For maximum precision determine the line of best fit using regression analysis by the method of least squares. Under these conditions the plot need be determined only once to determine the calibration factor (reciprocal of the slope of the line). (See Section 6.2.10.1 for specifications on the slope of the calibration curve.) This calibration factor can be used for calculating results provided there are no radical changes in temperature or pH. At least one control sample containing a known concentration of  $\text{SO}_2$  for each series of determinations, is recommended to insure the reliability of this factor.

**8.2.2 Procedure with  $\text{SO}_2$  Gas**—See Part 3.

**8.3 Sampling Efficiency**—Collection efficiency is above 98 percent; efficiency may fall off, however, at concentrations below 25  $\mu\text{g./m}^3$ .

**9. Calculations.** **9.1 Conversion of Volume**—Convert the volume of air sampled to the volume at standard conditions of 25° C., 760 mm. Hg.:

$$V_s = V \times \frac{P}{760} \times \frac{273}{(t+273)}$$

$V_s$  = Volume of air at 25° C. and 760 mm. Hg.

$V$  = Volume of air sampled, liters.

$P$  = Barometric pressure, mm. Hg.

$t$  = Temperature of air sample, °C.

Ordinarily, the correction for pressure is slight and may be neglected.

**9.2 Sulfur Dioxide Concentration**—Compute the concentration of sulfur dioxide in the sample by the following formula:

$$\text{SO}_2, \mu\text{g./m}^3 = \frac{(A-A_s)(16^*)}{V_s}$$

$A$  = Sample absorbance.

$A_s$  = Reagent blank absorbance.

$16^*$  = Conversion of liters to cubic meters.

$V_s$  = The sample volume corrected to 25° C. and 760 mm. Hg., liters.

$B = \frac{1}{\text{Slope of calibration}} = \text{calibration factor, } \mu\text{g./absorbance unit curve, absorbance units}/\mu\text{g.}$

**9.2.1 Conversion of  $\mu\text{g./m}^3$  to p.p.m.**—If desired, the concentration of sulfur dioxide may be calculated as p.p.m.  $\text{SO}_2$  at standard conditions as follows:

$$\text{p.p.m. SO}_2 = \mu\text{g. SO}_2/\text{m}^3 \times 3.82 \times 10^{-4}$$

**10. Bibliography.** 1. West, P. W. and Gaske, G. C., "Fixation of Sulfur Dioxide as Sulfite-mercurate III and Subsequent Colorimetric Determination". Anal. Chem. 28, 1816 (1956).

2. Ephraïm, R., "Inorganic Chemistry," p. 562. Edited by P. C. L. Thorne and Roberts, 5th Edition, Interscience. (1948).

3. Lykes, G. E., Dowling, F. B., and Blanchard, V. J., "Quantitative Determination of Formaldehyde in Parts Per Hundred Million Concentration Level". J. Air Poll. Cont. Assoc. 15, 109 (1965).

4. Scaringelli, F. P.; Saltzman, B. E., and Frey, S. A., "Spectrophotometric Determination of Atmospheric Sulfur Dioxide", Anal. Chem. 39, 1769 (1967).

5. Pate, J. B.; Ammons, B. E.; Swanson, G. A.; Lodge, J. P., Jr., "Nitrite Interference in Spectrophotometric Determination of Atmospheric Sulfur Dioxide". Anal. Chem. 37, 942 (1965).

6. Zurlo, N. and Griffini, A. M., "Measurement of the  $\text{SO}_2$  Content of Air in the Presence of Oxides of Nitrogen and Heavy Metals". Med. Lavoro, 63, 330 (1962).

7. Scaringelli, F. P., Elfers, L., Morris, D., and Hochheiser, S., "Enhanced Stability of Sulfur Dioxide in Solution". Anal. Chem. 42, 1818 (1970).

8. Urone, P.; Evans, J. B., and Noyes, C. M., "Tracer Techniques in Sulfur Dioxide Colorimetric and Conductometric Methods". Anal. Chem. 37, 1104 (1965).

9. Bestrom, C. E., "The Absorption of Sulfur Dioxide at Low Concentrations (p.p.m.) Studied by an Isotopic Tracer Method". Intern. J. Air Water Poll. 9, 83 (1965).

10. O'Keefe, A. E. and Ortman, G. C., "Primary Standards for Trace Gas Analysis". Anal. Chem. 38, 769 (1966).

11. Scaringelli, F. P.; Frey, S. A., and Saltzman, B. E., "Evaluation of Teflon Permeation Tubes for Use with Sulfur Dioxide". Amer. Ind. Hygiene Assoc. J. 23, 370 (1967).

12. Thomas, M. D. and Amtowar, R. E., "Gas Dilution Apparatus for Preparing Reproducible Dynamic Gas Mixtures in any Desired Concentration and Complexity". J. Air Poll. Cont. Assoc. 16, 618 (1969).

13. Lodge, J. P., Jr., Pate, J. B., Ammons, B. E., and Swanson, G. A., "Use of Hypodermic Needles as Critical Orifices in Air Sampling." J. Air Poll. Cont. Assoc. 16, 197 (1966).

## PART 2

**A. Gaseous calibration.** Certified permeation tubes containing liquified sulfur dioxide are available from the National Bureau of Standards and may be used for gaseous calibration.

(1) Commercially available permeation tubes\* may be calibrated as follows: Obtain an FEP Teflon permeation tube that emits sulfur dioxide at a rate of 0.2 to 0.4  $\mu\text{g./min.}$  (0.08 to 0.15  $\mu\text{l./min.}$  at standard conditions of 25° C. and 1 atmosphere.) A permeation tube with an effective length of 2 to 4 cm., and outer diameter of 0.63 cm. will yield the desired permeation rate if held at a constant temperature of 20° C. Using the system shown in Figure 2, calibrate the tube gravimetrically at the intended operating temperature to a precision within  $\pm 2$  percent. The temperature of the tube must be controlled within 0.1° C. Permeation tubes are calibrated under a stream of dry nitrogen to prevent the formation of blisters in the walls and sulfuric acid inside the tube. Periodically, about every 4 days, remove the bubbler from the constant temperature bath and thoroughly dry the bubbler. Remove the permeation tube from the bubbler with a Teflon-tipped forcep and weigh the tube to the nearest 0.1 mg. Record weight and time to the nearest minute. Immediately return tube to bubbler and bubbler to bath. Plot gross weight (10 mg. to the inch) against time (1,000 minutes to the inch). Compute the slope of the linear portion from the line that best fits the points. Linear regression is recommended. Alternately, tubes can be rapidly calibrated using a coulometric  $\text{SO}_2$  analyzer operating under ideal conditions.<sup>11</sup>

(2) A system designed for the preparation of standard concentrations of sulfur dioxide in the laboratory is shown in Figure 3. (Alternately, the apparatus shown in Figure 2 for gravimetric calibration and field use may be used.) Assemble the apparatus, consisting of a water-cooled condenser, a constant-temperature water bath maintained at 20° C., a cylinder containing pure, dry air or nitrogen, and appropriate pressure regulators, needle valves, and flow meters for the nitrogen and dry air diluent gas streams. The diluent gases are brought to temperature by passage through a 2-meter copper coil immersed in the water bath. Insert a calibrated permeation tube into the central tube of the condenser maintained at 20° C. by circulating water from the constant-temperature bath and pass a stream of air or nitrogen over the tube at a fixed rate of approximately 50 ml./min. Dilute this gas stream to the desired concentration by varying the air flow rate. Normally this flow rate can be varied from 1.1 to 15 liters/min. The flow rate of the sampling system determines the lower limit for the flow rate of the diluent gases. With a tube permeating sulfur dioxide at a rate of 0.4  $\mu\text{g./min.}$ , the range of concentration of sulfur dioxide will be between 27 and 260  $\mu\text{g./m.}^3$  (0.01 to 0.14 p.p.m.), a generally satisfactory range for ambient air conditions. When higher concentrations are desired, calibrate and use longer permeation tubes.

B. Procedure for preparing calibration curves. One can prepare a multitude of curves by selecting different combinations of sampling rate and sampling time. (Calibration should be made under the same conditions used in sampling and analyses). Twenty-four hour samples must be calibrated for 24 hours. The above description represents a typical procedure for simulating ambient air sampling of short duration. The system is designed to provide an accurate measurement of sulfur dioxide in the range of 0.01 to 0.5 p.p.m. It can be modified easily to meet special needs. The concentration of standard  $\text{SO}_2$  in air is computed as follows:

$$C = \frac{Pr \times 10^3}{R + r}$$

$C$  = Concentration of  $\text{SO}_2$ ,  $\mu\text{g./m.}^3$

$Pr$  = Permeation rate,  $\mu\text{g./min.}$

$R$  = Flow rate of diluent air, liters/min.

$r$  = Flow rate of diluent nitrogen, liters/min.

Data for a typical calibration curve are listed in Table I. A plot of the concentration of sulfur dioxide in  $\mu\text{g./m.}^3$  (X-axis) against absorbance of the final solution (Y-axis) will yield a straight line, the reciprocal of the slope of which is the factor for conversion of absorbance to  $\mu\text{g./m.}^3$ . This factor includes the correction for collection efficiency. Any deviation from linearity at the lower concentration range indicates a change in collec-

tion efficiency of the sampling system. Actually, the standard concentrations of 25  $\mu\text{g./m.}^3$  and below of sulfur dioxide are slightly below the dynamic range of the method. If this is the range of interest, the diluent air stream must be adjusted to deliver these lower concentrations, and the total volume of air collected must be increased to obtain sufficient color within the dynamic range of the procedure. The calibration factor must be reestablished, if collection efficiency differs significantly from that obtained above 25  $\mu\text{g./m.}^3$ . The remainder of the analytical procedure is the same as described in section 7.

TABLE I—TYPICAL CALIBRATION DATA

Concentrations of $\text{SO}_2$ , $\mu\text{g./m.}^3$	Amount of $\text{SO}_2$ in $\mu\text{g.}$ for 30 liters	Absorbance of sample
15	0.45	0.013
25	0.75	0.022
100	3.0	0.089
200	6.0	0.179
500	15.0	0.448
1000	30.0	0.710
1100	33.0	0.803
		0.985

$$\text{SO}_2, \mu\text{g./m.}^3 = A \times F,$$

Where:

$F = 1.1 \times 10^3$  = factor, as derived from equation in 9.2.

$A$  = Absorbance of solution for 30 liters of sample and a volume of 25 ml. for the colored solution.

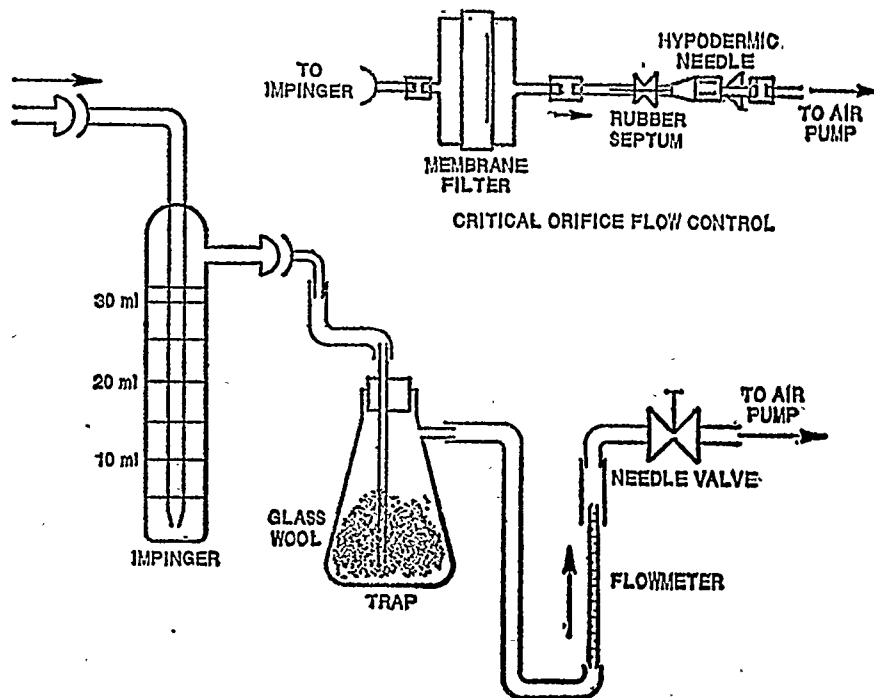


Figure 1. Sampling train.

\*Available from Metronics, Inc., 3201 Porter Drive, Palo Alto, CA 94304 and Analytical Instrument Developments, Inc., 250 South Franklin Street, West Chester, PA 19380.

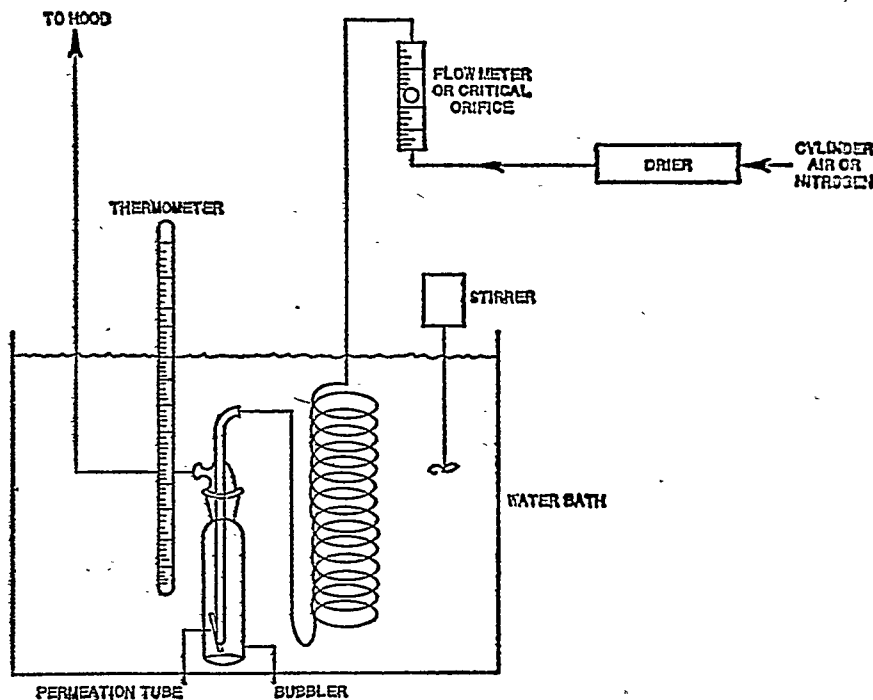


Figure 2. Apparatus for gravimetric calibration and field use.

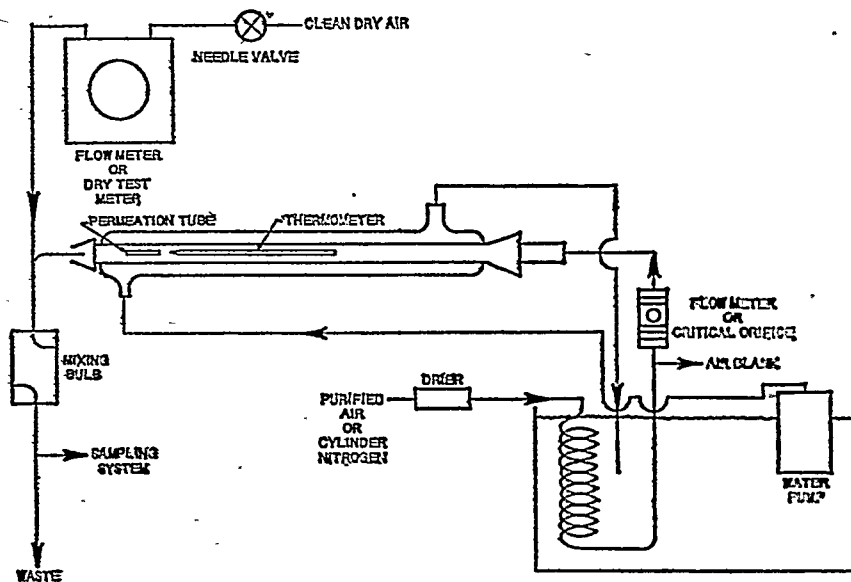


Figure 3. Permeation tube schematic for laboratory use.

## APPENDIX B

## PROCEDURE FOR DETERMINATION OF SUSPENDED PARTICULATES (HIGH VOLUME METHOD)

**1. Principle and applicability.** 1.1 Air is drawn into a covered housing and through a filter by means of a high-flow-rate blower at a flow rate (1.13 to 1.70 m<sup>3</sup>/min.; 40 to 60 ft.<sup>3</sup>/min.) that allows suspended particles having diameters of less than 100  $\mu$ m, (Stokes equivalent diameter) to pass to the filter surface.<sup>1</sup> The particles are ordinarily collected on a glass-fiber filter within the size range of 100 to 0.1  $\mu$ m diameter.

1.2 The mass concentration of suspended particulate in the ambient air ( $\mu$ g./m.<sup>3</sup>) is

computed by measuring the mass of collected particulate and the volume of air sampled.

1.3 This method is applicable to measurement of the mass concentration of suspended particulate in ambient air. This method does not control the flow of air during sampling and for this reason is most applicable to trend measurement. The size of the sample collected is usually adequate for other analyses.

**2. Range and sensitivity.** 2.1 When the sampler is operated at an average flow rate of 1.70 m<sup>3</sup>/min. (60 ft.<sup>3</sup>/min.) for 24 hours, an adequate sample will be obtained even in an atmosphere having concentrations of suspended particulate as low as 1  $\mu$ g./m.<sup>3</sup> If

particulate levels are unusually high, a satisfactory sample may be obtained in 6 to 8 hours or less. For determination of average concentrations of suspended particulate in ambient air, a standard sampling period of 24 hours is recommended.

2.2 Weights are determined to the nearest milligram; air flow rates are determined to the nearest 0.03 m<sup>3</sup>/min. (1.0 ft.<sup>3</sup>/min.) times are determined to the nearest 2 min. and mass concentrations are reported to the nearest microgram per cubic meter.

**3. Interferences.** 3.1 Particulate that is oily, such as photochemical smog or wood smoke, may block the filter and cause a rapid drop in air flow at a nonuniform rate. Dense fog or high humidity can cause the filter to become too wet and severely reduce the air flow through the filter.

3.2 Glass-fiber filters are comparatively insensitive to change in relative humidity, but collected particulate can be hygroscopic.<sup>2</sup>

**4. Precision, accuracy, and stability.** 4.1 At an average mass concentration of 112  $\mu$ g./m.<sup>3</sup> of particulate matter in ambient air the standard deviation is 10  $\mu$ g./m.<sup>3</sup> (corresponding to a relative standard deviation of 9 percent); at an average of 39  $\mu$ g./m.<sup>3</sup> the standard deviation is 6  $\mu$ g./m.<sup>3</sup> (corresponding to a relative standard deviation of 15 percent).<sup>3</sup>

4.2 The accuracy with which the sampler measures the true average concentration depends upon the degree of constant air flow rate maintained in the sampler. The air flow rate is affected by the concentration and the nature of the dust in the atmosphere, which may clog the filter and significantly reduce the air flow rate. Under these conditions the error in the measured average concentration may be as much as  $\pm 50$  percent or more of the true average concentration, depending on the amount of reduction of air flow rate and on the variation of the mass concentration of dust with time during the 24-hour sampling period.<sup>4</sup>

**5. Apparatus.** 5.1 Sampling.

5.1.1 Sampler—The sampler consists of three units: (1) the face plate and gasket, (2) the filter adapter assembly, and (3) the motor unit. Figure 1 shows an exploded view of these parts, their relationship to each other, and how they are assembled. The sampler must be capable of passing environmental air through a 408.5 cm.<sup>2</sup> (63 in.<sup>2</sup>) portion of a clean 20- by 25-cm. (8- by 10-in.) glass-fiber filter at a rate of at least 1.70 m<sup>3</sup>/min. (60 ft.<sup>3</sup>/min.). The motor must be capable of continuous operation for 24-hour periods with input voltages ranging from 110 to 120 volts, 50-60 cycles alternating current and must have third-wire safety ground. The housing for the motor unit may be of any convenient construction so long as the unit remains air-tight and leak-free. The life of the sampler motor can be extended by lowering the voltage by about 10 percent with a small "buck or boost" transformer between the sampler and power outlet.

5.1.2 Sampler Shelter—It is important that the sampler be properly installed in a suitable shelter. The shelter is subjected to extremes of environmental conditions such as high and low temperatures, extremes of humidity, and all types of air pollutants. For these reasons the materials of the shelter must be chosen carefully. Properly painted exterior plywood or heavy gauge aluminum serve well. The sample must be mounted vertically in the shelter so that the glass-fiber filter is parallel with the ground. The shelter must be provided with a roof so that the filter is protected from precipitation and debris. The clearance area between the edge of the roof and the main housing should be 645 $\pm$ 65 cm.<sup>2</sup> (100 $\pm$ 10 in.<sup>2</sup>). The main housing should be rectangular, with dimensions of 29 by 38 cm. (11½ by 14 in.).

5.1.3 Rotameter—Marked in arbitrary units, frequently 0 to 70, and capable of being calibrated.

5.1.4 Orifice Calibration Unit—Consisting of a metal tube 7.6 cm. (3 in.) ID and 15.9 cm. (6¼ in.) long with a static pressure tap 5.1 cm. (2 in.) from one end. The tube end nearest the pressure tap is flanged to about 10.8 cm. (4¼ in.) OD with a male thread of the same size as the inlet end of the high-volume air sampler. A single metal plate 9.2 cm. (3½ in.) in diameter and 0.24 cm. (¾ in.) thick with a central orifice 2.9 cm. (1½ in.) in diameter is held in place at the air inlet end with a female threaded ring. The other end of the tube is flanged to hold a loose female threaded coupling, which screws on to the inlet of the sampler. An 18-hole metal plate, an integral part of the unit, is positioned between the orifice and sampler to simulate the resistance of a clean glass-fiber filter.

5.1.5 Differential Manometer—Capable of measuring to at least 40 cm. (16 in.) of water.

5.1.6 Flow Measuring Device—Positive displacement type; calibrated in cubic meters or cubic feet, to be used as a primary standard.

5.1.7 Barometer—Capable of measuring atmospheric pressure to the nearest mm.

5.1.8 Folders—Manila cardboard folders, 22 by 28 cm. (8½ by 11 in.) creased.

## 5.2 Analysis.

5.2.1 Balance Room Environment—Maintained at 15 to 35° C. and less than 50 percent relative humidity.

5.2.2 Analytical Balance—Equipped with a weighing chamber designed to handle unfolded 20- by 25-cm. (8- by 10-in.) filters and having a sensitivity of 0.1 mg.

5.2.3 Light Table—Of the type used to view X-ray films.

5.2.4 Numbering Machine—Capable of printing identification numbers of 4 to 8 digits on the filter.

6. Reagents. 6.1 Filter Media—Glass-fiber filters having a collection efficiency of at least 99 percent for particles of 0.3 µm. diameter, as measured by the DOP test, are suitable for the quantitative measurement of concentrations of suspended particulate, although some other medium, such as paper, may be desirable for some analyses. Care must be exercised to prevent use of filters that contain high background concentrations of the pollutant being investigated. Careful quality control is required to determine background values of these pollutants.

## 7. Procedure. 7.1 Sampling.

7.1.1 Filter Preparation—Place each filter on a light table and inspect for pinholes, dark particles, or other imperfections. Filters with visible imperfections should not be used. A small brush is useful for removing particles. Equilibrate the filters to the conditions of the balance room for 24 hours. Weigh the filters to the nearest milligram; record tare weight and filter identification number. Do not bend or fold the filter before collection of the sample.

7.1.2 Sample Collection—Open the shelter, loosen the wing nuts, and remove the face plate from the filter holder. Install a numbered, preweighted, glass-fiber filter in position (rough side up), replace the face plate without disturbing the filter, and fasten securely. Undertightening will allow air leakage, overtightening will damage the sponge-rubber face-plate gasket. A very light application of talcum powder may be used on the sponge-rubber face-plate gasket to prevent the filter from sticking. During inclement weather the sampler may be removed to a protected area for filter change. Close the roof of the shelter, run the sampler for about

5 min., connect the rotameter to the nipple on the back of the sampler, and read the rotameter ball with rotameter in a vertical position. Estimate to the nearest whole number. If the ball is fluctuating rapidly, tip the rotameter and slowly straighten it until the ball gives a constant reading. Disconnect the rotameter from the nipple; record the initial rotameter reading and the starting time and date on the filter folder. The rotameter should never be connected to the sampler except when the flow is being measured. Let the sampler run for the desired time (usually 24 hours) and take a final rotameter reading. Record the final rotameter reading and ending time and date on the filter folder. Remove the face plate as described above and carefully remove the filter from the holder, touching only the outer edges. Fold the filter lengthwise so that only surfaces with collected particulate are in contact, and place in a filter folder. Record on the folder the filter number, location, and any other factors, such as meteorological conditions or razing of nearby buildings, that might affect the results. If the sample is defective, void it at this time. In order to obtain a valid sample, the high-volume sampler must be operated with the same rotameter and tubing that were used during its calibration.

## 7.1.3 Maintenance.

7.1.3.1 Sampler Motor—Replace brushes before they are worn to the point where motor damage can occur.

7.1.3.2 Face Plate Gasket—Replace when the margins of samplers are no longer sharp. Seal the gasket to the face plate with rubber cement or double-sided adhesive tape.

7.1.3.3 Rotameter—clean as required, using alcohol.

## 7.2 Analysis

7.2.1 Equilibrate the exposed filters for 24 hours in the environment of the balance room, then reweigh. After they are weighed, the filters may be saved for detailed chemical analysis.

8. Calibration. 8.1 Sampling—Since only a small portion of the total air sampled passes through the rotameter during measurement, the rotameter must be calibrated against actual air flow with the orifice calibration unit. Before the orifice calibration unit can be used to calibrate the rotameter, the orifice calibration unit itself must be calibrated against the positive displacement primary standard.

8.1.1 Orifice Calibration Unit—Attach the orifice calibration unit to the intake end of the positive displacement primary standard and attach a high-volume motor blower unit to the exhaust end of the primary standard. Connect one end of a differential manometer to the differential pressure tap of the orifice calibration unit and leave the other end open to the atmosphere. Operate the high-volume motor blower unit so that a series of different, but constant, air flows (usually six) are obtained for definite time periods. Record the reading on the differential manometer at each air flow. The different constant air flows can be obtained either by placing a series of load plates, one at a time, between the calibration unit and the primary standard or by varying the speed of the sampler motor with a variable speed transformer with the No. 18 plate in position. The latter method is considerably more convenient and flexible. Placing the orifice before the inlet reduces the pressure at the inlet of the primary standard below atmospheric; therefore a correction must be made for the increase in air volume caused by this decreased inlet pressure. Attach one end of a second differential manometer to an inlet pressure tap of the primary standard and leave the other end open to the atmosphere. During each of the constant air flow measurements made

above, measure the true inlet pressure of the primary standard with this second differential manometer. Measure atmospheric pressure with a barometer. Correct the measured air volume to true air volume as directed in 9.1.1 then obtain true air flow rate,  $Q$ , as directed in 9.1.2. Plot the differential manometer readings of the orifice unit versus  $Q$ .

8.1.2 High-Volume Sampler—Assemble a high-volume sampler with a clean filter in place and run for at least 5 min. Attach a rotameter, read the ball, adjust so that the ball reads 65, and seal the adjusting mechanism so that it cannot be changed easily. Shut off motor, remove the filter, and attach the orifice calibration unit in its place. Operate the high-volume sampler at a series of different, but constant, air flows (usually six). Record the reading of the differential manometer on the orifice calibration unit, and record the reading of the rotameter at each flow. Convert the differential manometer reading to  $m^3/min.$ ,  $Q$ , then plot rotameter reading versus  $Q$ .

8.1.2.1 If the pressure or temperature during high-volume sampler calibration is substantially different from the pressure or temperature during orifice calibration, a correction of the flow rate,  $Q$ , may be required. If the pressures differ by no more than 15 percent and the temperatures differ by no more than 100 percent ( $^{\circ}C.$ ), the error in the uncorrected flow rate will be no more than 15 percent. If necessary, obtain the corrected flow rate as directed in Appendix C. This correction applies only to orifice meters having a constant orifice coefficient. The coefficient for the calibrating orifice described in 5.1.4 has been shown experimentally to be constant over the normal operating range of the high-volume sampler (0.6 to 2.2  $m^3/min.$ ; 20 to 78  $ft^3/min.$ ).

## 9. Calculations. 9.1 Calibration of Orifice.

9.1.1 Calculate the true air volume measured by the positive displacement primary standard.

$$P_a V_a = P_m V_m$$

$$P_m = P_a - P_m$$

Combining these relationships:

$$V_a = \frac{(P_a - P_m)}{P_a} (V_m)$$

$V_a$  = Volume of air at atmospheric pressure,  $m^3$

$P_a$  = Barometric pressure, mm. Hg.

$P_m$  = Pressure at inlet of the primary standard, mm. Hg.

$P_m$  = Pressure difference between inlet of primary standard and atmospheric, mm. Hg.

$V_m$  = Volume measured by primary standard,  $m^3$

## 9.1.1.1 Conversion Factors:

In. water  $\times 73.48 \times 10^3 =$  in. Hg.

In. Hg.  $\times 25.4 =$  mm. Hg.

Cubic feet  $\times 0.0284 = m^3$

## 9.1.2 Calculate flow rate:

$$Q = \frac{V_a}{T}$$

$Q$  = Flow rate,  $m^3/min.$

$T$  = Time of flow, min.

## 9.2 Sample Volume.

9.2.1 Convert the initial and final rotameter readings to  $m^3/min.$  using calibration curve of 8.1.2.

## 9.2.2 Calculate volume of air sampled.

$$V = \frac{Q_i + Q_f}{2} \times T$$

$V$  = Air volume sampled,  $m^3$

$Q_i$  = Initial air flow rate,  $m^3/min.$

$Q_f$  = Final air flow rate,  $m^3/min.$

$T$  = Sampling time, min.



9.3 Calculate mass concentration of suspended particulate.

$$S.P. = \frac{(W_i - W_f) \times 10^6}{V}$$

S.P. = Mass concentration of suspended particulate,  $\mu\text{g./m}^3$

$W_i$  = Initial weight of filter, g.

$W_f$  = Final weight of filter, g.

$V$  = Air volume sampled,  $\text{m}^3$

$10^6$  = Conversion of g. to  $\mu\text{g.}$

10. *Bibliography.* 1. Robson, C. D., and Foster, K. E., "Evaluation of Air Particulate Sampling Equipment," Am. Ind. Hyg. Assoc. J. 24, 404 (1962).

2. Tierney, G. P., and Conner, W. D., "Hygroscopic Effects on Weight Determinations

of Particulates Collected on Glass-Fiber Filters," Am. Ind. Hyg. Assoc. J. 28, 363 (1967).

3. Fortun, S. F. G., "Factors Affecting the Precision of High-Volume Air Sampling," M.S. Thesis, University of Florida, Gainesville, Fla., April 1964.

4. Harrison, W. K., Nader, J. S., and Fugman, F. S., "Constant Flow Regulators for High-Volume Air Sampler," Am. Ind. Hyg. Assoc. J. 21, 115-120 (1960).

5. Pate, J. B., and Taber, E. C., "Analytical Aspects of the Use of Glass-Fiber Filters for the Collection and Analysis of Atmospheric Particulate Matter," Am. Ind. Hyg. Assoc. J. 23, 144-150 (1962).

6. Henderson, J. S., Eighth Conference on Methods in Air Pollution and Industrial Hygiene Studies, 1967, Oakland, Calif.

$\pm 0.5$  percent full scale in the 0-53  $\text{mg./m}^3$  range.

4.2 Accuracy is dependent on instrument linearity and absolute concentration of the calibration gases used. Generally, accuracy is  $\pm 1$  percent of full scale in the 0-53  $\text{mg./m}^3$  range.

4.3 Effects of variations in ambient room temperature are considerable. Changes as much as 0.5  $\text{mg./m}^3$  per  $^\circ\text{C.}$  have been noted. The effects can be minimized by operating the analyzer in a controlled-temperature room. Further, pressure changes between span checks will cause proportional changes in the reading. If cell temperature and pressure are assumed constant, however, zero drift observed with various instruments is less than  $\pm 1$  percent in 24 hours.

5. *Apparatus*—5.1 Commercially available NDIR carbon monoxide analyzer. Instruments should be installed on location and demonstrated, preferably by the manufacturer, to meet or exceed manufacturers specifications and those described in this method. The analyzer consists of an infrared source, sample and reference gas cells, a detector capable of sensing differences between levels of infrared energy in the two cells, and a control, power supply, and amplifier unit.

5.2 Sample introduction system. Pump, flow control valve, and flowmeter.

5.3 Particulate filter (in-line). To keep sample cell clean, porosity of the filter should be 2 to 10 microns.

5.4 Moisture control. For systems with which constant humidity control is desired, refrigeration units are available with some commercial instruments. Drying tubes (with sufficient capacity to operate for 72 hours) containing indicating silica gel or equivalent drying agent may be used for short-term sampling.

6. *Reagents*—6.1 Zero gas. Nitrogen or helium containing less than 0.1  $\text{mg./m}^3$  carbon monoxide.

6.2 Calibration gases. Gases needed for linearity checks are determined by the range of operation of instruments. Calibration gases corresponding to 10, 20, 40, and 80 percent of full scale are needed. Gases must be provided with certification or guaranteed analysis of carbon monoxide content.

6.3 Span gas. The calibration gas corresponding to 80 percent of full scale may be used to span the instrument.

7. *Procedure.* 7.1 Calibrate the instrument as described in 8.1. All gases (sample, zero, calibration, and span) must be introduced into the entire analyzer system. Figure 1 shows a typical flow schematic. For specific operating instructions, refer to the manufacturer's manual.

8. *Calibration*—8.1 Calibration curve. Determine the linearity of the detector response at the operating flow rate and temperature. Prepare a calibration curve or check the curve furnished with the instrument. Introduce zero gas and set the zero control to indicate a recorder reading of zero. Introduce span gas and adjust the span control to indicate the proper value on the recorder scale (e.g. on 0-53  $\text{mg./m}^3$  scale set 46  $\text{mg./m}^3$  (40 p.p.m.) standard at 80 percent recorder chart). Recheck zero and span until adjustments are no longer necessary. Introduce intermediate calibration gases and plot the values obtained. If a smooth curve is not obtained, calibration gases should be suspected.

9. *Calculation.* 9.1 No calculations are involved in this procedure since the concentration is determined directly from the calibration curve.

9.2 Carbon monoxide concentration in  $\text{mg./m}^3$  can be converted to p.p.m. as follows:

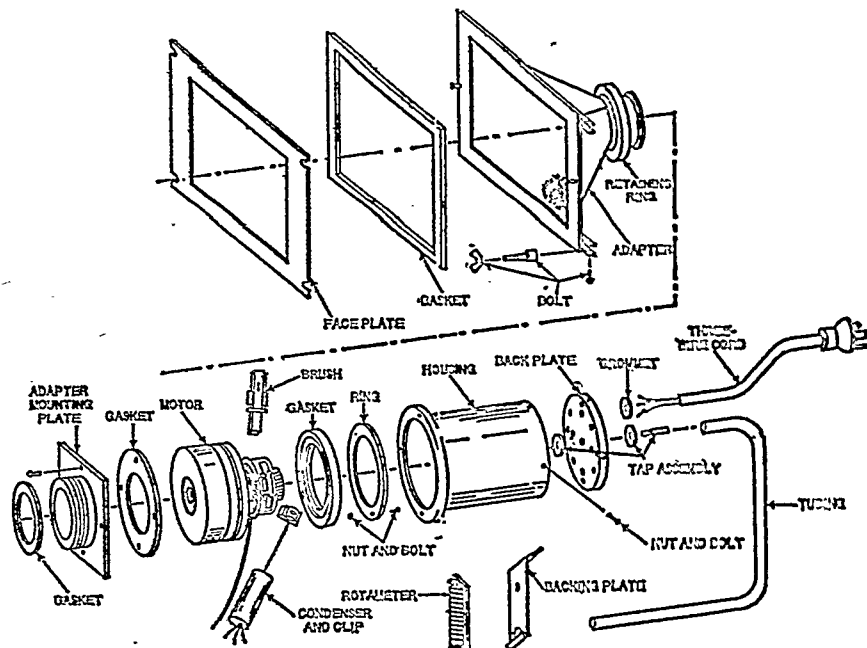


Figure 1. Exploded view of typical high-volume air sampler parts.

#### APPENDIX C

##### METHOD FOR CONTINUOUS MEASUREMENT OF CARBON MONOXIDE (NONDISPERSIVE INFRARED SPECTROMETRY)

1. *Principle and applicability.* 1.1 The measuring principle makes use of absorption of radiation by CO in the infrared region. The absorption is measured by a photometer with two parallel beams and a selective detector. A source emits energy in the infrared region. One beam passes through a reference cell filled with nonabsorbing gas. Both beams pass into a detector cell, which contains CO. The CO in the detector absorbs the infrared radiation only at its characteristic frequencies and thus the detector is sensitive only to those frequencies. With no CO in the sample cell, the detector is balanced for equal absorption from both beams. Any CO present in the sample cell will absorb some of the radiation and reduce the amount entering the detector from that beam. This reduces the temperature and hence the pressure in one chamber of the detector, causing a diaphragm to be displaced. This movement is detected electronically and amplified to provide an output signal.

1.2 The sample introduction pump may be bypassed for analysis of gases under pressure, as is sometimes done with the calibration gases.

##### 2. Range and sensitivity. (See definitions.)

2.1 Instruments are available that measure in the range of 0 to 48  $\text{mg./m}^3$  (0-50 p.p.m.), which is the range most commonly used for urban atmospheric sampling; most instruments measure in additional ranges—typically 0 to 29 and 0 to 115  $\text{mg./m}^3$ .

2.2 Sensitivity is 1 percent of full-scale response per 0.5  $\text{mg./m}^3$  (0.5 p.p.m.).

3. *Interferences.* 3.1 The degree of interference varies among individual instruments. The effect of carbon dioxide interference at normal concentrations is minimal. The primary interference is caused by water vapor. With no corrective measures, interference from water may be as high as 13  $\text{mg./m}^3$ . Water vapor interference may be minimized by (a) passing the air sample through silica gel or similar drying agents, (b) maintaining constant humidity in the sample and calibration gases by refrigeration, (c) saturating the air sample and calibration gases to maintain constant humidity, (d) using narrow-band optical filters, or (e) combining some or all of these measures.

3.2 Hydrocarbons at ambient levels do not cause interferences. Effects of specific hydrocarbons are generally noted on the manufacturer's specification sheets for the individual analyzer.

4. *Precision, accuracy, and stability.* 4.1 Precision with standard calibration gases is

p.p.m. CO=mg. CO/m.<sup>3</sup>×0.873

10. *Bibliography.* 1. MSA LIRA Infrared Gas and Liquid Analyzer Instruction Book, Mine Safety Appliances Co., Pittsburgh, Pa.

2. Beckman Instruction 1635B, Models 215A, 315A, and 415A Infrared Analyzers, Beckman Instrument Co., Fullerton, Calif.

3. Continuous CO Monitoring System, Model A 5611 Intertech Corp., Princeton, N.J.

4. Bendix-UNOR Infrared Gas Analyzers, Ronceverte, W.Va.

11. *Definitions of performance specifications used in this method—Range.* The minimum and maximum measurement limits.

*Output.* Electrical signal which is proportional to the measurement; intended for connection to readout or data processing devices. Usually expressed as millivolts or milliamperes full scale at a given impedance.

*Full scale.* The maximum measuring limit for a given range.

*Minimum detectable sensitivity.* The smallest amount of input concentration that can be detected as the concentration approaches zero.

*Accuracy.* The degree of agreement between a measured value and the true value; usually expressed as  $\pm$  percent of full scale.

*Lag time.* The time interval from a step change in input concentration at the instrument inlet to the first corresponding change in the instrument output.

*Time to 90 percent response.* The time interval from a step change in the input concentration at the instrument inlet to a reading of 90 percent of the ultimate recorded concentration.

*Rise time (90 percent).* The interval between initial response time and time to 90 percent response after a step increase in inlet concentration.

*Fall time (90 percent).* The interval between initial response time and time to 90 percent response time after a step decrease in the inlet concentration.

*Zero drift.* The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation, when the input concentration is zero; usually expressed as percent full scale.

*Span drift.* The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation, when the input concentration is a stated up-scale value; usually expressed as percent full scale.

*Precision.* The degree of agreement between repeated measurements of the same concentration and is expressed as the average deviation of the single results from the mean.

*Operational period.* The period of time over which the instrument can be expected to operate unattended within specifications.

*Noise.* Spontaneous deviations from a mean output not caused by input concentration changes.

*Interference.* An undesired positive or negative output caused by a substance other than the one being measured.

*Interference equivalent.* The portion of indicated input concentration due to the presence of an interferent.

*Operating temperature range.* The range of ambient temperatures over which the instrument will meet all performance specifications.

*Operating humidity range.* The range of ambient relative humidity over which the instrument will meet all performance specifications.

*Linearity.* The maximum deviation between an actual instrument reading and the reading predicted by a straight line drawn between upper and lower calibration points.

12. *Suggested minimum performance specifications for NDIR carbon monoxide analyzers.*

Range (minimum)---	0-58 mg./m. <sup>3</sup> (0-50 p.p.m.).
Output (minimum)---	0-10, 100, 1,000, 5,000 mv. full scale.
Minimum detectable sensitivity.	0.6 mg./m. <sup>3</sup> (0.5 p.p.m.).
Lag time (maximum)---	15 seconds.
Time to 90% response (maximum).	30 seconds.
Rise time (90% maximum).	15 seconds.
Fall time (90% maximum).	15 seconds.
Zero drift (maximum).	3%/week not to exceed 1%/24 hours.

Span drift (maximum).	3%/week not to exceed 1%/24 hours.
Precision (maximum).	$\pm 0.5\%$ .
Operational period (minimum).	3 days.
Noise (maximum)---	$\pm 0.5\%$ .
Interference equivalent (maximum).	1% of full scale.
Operating temperature range (minimum).	5-40° C.
Operating humidity range (minimum).	10-100%.
Linearity (maximum).	1%.

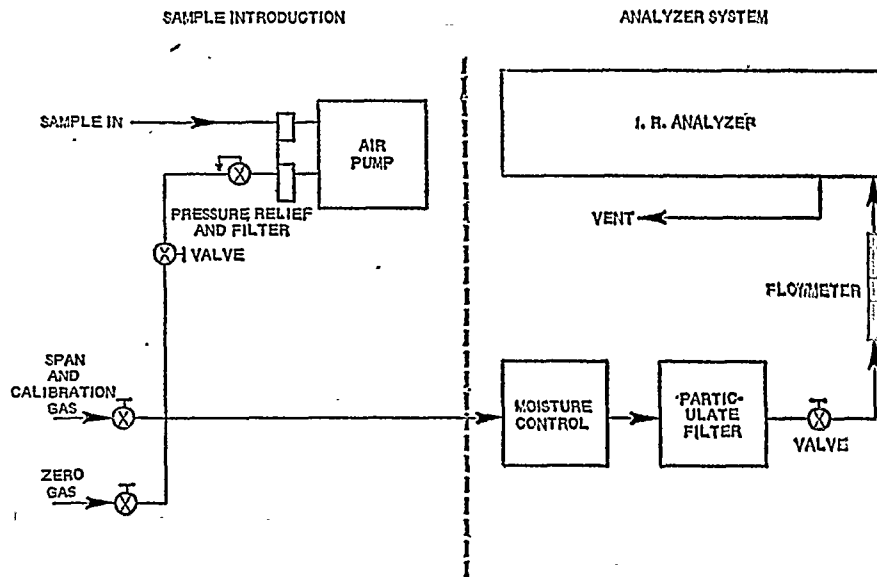


Figure 1. Carbon monoxide analyzer flow diagram.

#### APPENDIX D

##### METHOD FOR DETERMINATION OF OXIDANTS (NEUTRAL BUFFERED POTASSIUM IODIDE METHOD)

1. *Principle and applicability.* 1.1 A sample of ambient air is drawn through a chromium trioxide scrubber to remove sulfur dioxide and then through two absorbers in series containing potassium iodide reagent to collect the oxidants.

1.2 Oxidants are defined by this method as those compounds capable of liberating iodine from a 1 percent potassium iodide solution buffered with disodium phosphate and potassium dihydrogen phosphate. The iodine produced in the absorbing reagent is measured spectrophotometrically as the tri-iodide ion.

1.3 This method is intended for the measurement of total oxidants as ozone in the atmosphere. However, the various oxidizing species, such as ozone, nitrogen dioxide, peroxyacetyl nitrate, and peroxides are present in widely varying concentrations and react with the reagent at different rates. Also, reducing compounds in the atmosphere have a negative effect on the oxidant reading. Thus the number obtained is a "net" oxidant value, which describes a condition of the atmosphere and is not the total concentration of the oxidizing species present.

2. *Range and sensitivity.* 2.1 Concentrations of oxidants in the range of about 20 to 20,000  $\mu\text{g./m.}^3$  (0.01 to 10 p.p.m.) can be determined.

2.2 At a sampling rate of 2 liters/min. for 15 min. using 10 ml. absorbing reagent, 20  $\mu\text{g./m.}^3$  (0.01 p.p.m.) should produce an absorbance of approximately 0.025 measured in

1-cm. cells. At concentrations below 100  $\mu\text{g./m.}^3$  (0.05 p.p.m.) readings may be quite imprecise because of the instability of oxidants or iodine at very low concentrations.

2.3 The above limits are based on a molar absorptivity of 24,200 liters/mole/cm.

3. *Interferences.* 3.1 Reducing gases such as sulfur dioxide and hydrogen sulfide give very serious negative interferences. Sulfur dioxide gives a 100 percent negative interference of an equivalent molar concentration of ozone. The interference from sulfur dioxide, even when it is present at ambient concentrations, can be eliminated by a properly conditioned chromium trioxide-scrubber (see 6.3, 7.1).

3.2 The oxidant reading contains a contribution of 10 percent of the molar concentration of  $\text{NO}_2$ . When a chromium trioxide scrubber is used,  $\text{NO}$  is converted to  $\text{NO}_2$ , thus contributing to the oxidant reading to the same extent as  $\text{NO}_2$ . If an oxidant value less  $\text{NO}_2$  is desired,  $\text{NO} + \text{NO}_2$  must be measured simultaneously and a correction factor of 10 percent of the  $\text{NO}_{10}$  concentration must be subtracted.

3.3 Glassware should be cleaned with chromic acid, since dust or foreign materials may interfere.

3.4 Direct sunlight will affect the iodine concentration.

4. *Precision, accuracy, and stability.* 4.1  $\pm 5$  percent relative standard deviation can be obtained at a concentration of 1,000  $\mu\text{g./m.}^3$  (0.5 p.p.m.) of ozone.

4.2 Accuracy cannot be defined, since the sensitivity of the potassium iodine reagent varies widely with the different oxidizing species.

4.3 Analysis should be completed immediately after sampling to obtain consistent results. This is necessary because some oxidants release iodine slowly to enhance color, while fading due to slow decomposition of iodine may occur.

5. **Apparatus**—5.1 **Absorber**. All-glass impingers as shown in Figure 1 are recommended. These impingers may be purchased from major glassware suppliers. Two absorbers in series are needed to insure complete collection of the sample.

5.2 **Air pump**. Capable of drawing 2 liters/min. through the absorbers. The pump should be equipped with a needle valve at the inlet side to regulate flow. If a critical orifice (5.7) is used, the pump must be capable of maintaining 0.7 atmosphere vacuum.

5.3 **U tube**. 140 ml. for the chromium trioxide scrubber.

5.4 **Thermometer**. Or other temperature-measuring device with an accuracy of  $\pm 2^\circ \text{C}$ .

5.5 **Barometer**. Atmospheric, accurate to the nearest mm. Hg.

5.6 **Wet test meter**. 1 or 3 liters/revolution.

5.7 **Flowmeter**. Calibrated metering device for measuring flow of 2 liters/min. within  $\pm 5$  percent. A 20-gauge hypodermic needle 1 in. long acting as a critical orifice can be used to give a flow of approximately 2 liters/min.

5.8 **Drying tube**. Containing an indicating drying agent to protect flowmeter.

5.9 **Prescrubber**. Tube filled with granular  $\text{MnO}_2$  and charcoal to remove oxidants.

5.10 **Volumetric flasks**. 25, 100, 500, 1,000 ml.

5.11 **Buret**. 50 ml.

5.12 **Pipets**. 0.5, 1, 2, 3, 4, 10, 25, and 50 ml. volumetric.

5.13 **Erlenmeyer flasks**. 300 ml.

5.14 **Oven**. Capable of maintaining  $105^\circ \text{C}$ .

5.15 **Spectrophotometer**. Capable of measuring absorbance at 352 nm. Matched 1-cm cells should be used.

6. **Reagents**—6.1 **Purified water**. Used for all reagents. To distilled or deionized water in an all-glass distillation apparatus, add a crystal of potassium permanganate and a crystal of barium hydroxide, and redistill.

6.2 **Absorbing reagent**. Dissolve 13.6 g. potassium dihydrogen phosphate ( $\text{KH}_2\text{PO}_4$ ), 14.2 g. anhydrous disodium hydrogen phosphate ( $\text{Na}_2\text{HPO}_4$ ) (or 35.8 g. dodecahydrate salt), and 10.0 g. potassium iodide (KI) in purified water and dilute to 1,000 ml. The pH should be  $6.8 \pm 0.2$ . Store the solution in a glass-stoppered amber bottle in a cool, dark place. It is stable for several weeks.

6.3 **Standard arsenious oxide solution** (0.05 N). Use primary standard grade arsenious oxide ( $\text{As}_2\text{O}_3$ ). Dry 1 hour at  $105^\circ \text{C}$ , immediately before using. Accurately weigh 2.4 g. arsenious oxide from a small glass-stoppered bottle. Dissolve in 25 ml. 1 N sodium hydroxide in flask or beaker on a steam bath. Add 25 ml. 1 N sulfuric acid. Cool and transfer quantitatively to a 1,000-ml. volumetric flask, and dilute to volume. **NOTE**: Solution must be neutral to litmus, not alkaline.

$$\text{Normality As}_2\text{O}_3 = \frac{\text{wt. As}_2\text{O}_3 \text{ (g.)}}{49.46}$$

6.4 **Starch indicator solution** (0.2 percent). Triturate 0.4 g. soluble starch and approximately 2 mg. mercuric iodide (preservative) with a little water, add the paste slowly to 200 ml. boiling water. Continue boiling until the solution is clear, then allow to cool, and transfer to glass-stoppered bottle.

6.5 **Standard iodine solution** (0.05 N)—6.5.1 **Preparation**. Dissolve 5.0 g. potassium

iodide (KI) and 3.2 g. resublimed iodine ( $\text{I}_2$ ) in 10 ml. purified water. When the iodine dissolves, transfer the solution to a 500-ml. glass-stoppered volumetric flask. Dilute to mark with purified water and mix thoroughly. Keep solution in a dark brown glass-stoppered bottle away from light, and restandardize as necessary.

6.5.2 **Standardization**. Pipet accurately 50 ml. standard arsenious oxide solution into a 300-ml. Erlenmeyer flask. Acidify slightly with a 1:10 dilution of sulfuric acid, neutralize with solid sodium bicarbonate, and add about 2 g. excess. Titrate with the standard iodine solution using 5 ml. starch solution as indicator. Saturate the solution with carbon dioxide at end of titration by adding 1 ml. of 1:10 sulfuric acid just before the end point is reached.

6.6 **Chromium trioxide scrubber**. Dissolve 125 g. chromium trioxide ( $\text{CrO}_3$ ) crystals in 35 ml. concentrated sulfuric acid and add to 750 ml. distilled water. Place a 15-by-25-cm. sheet of a flash-fired glass-fiber filter in an oven rack equipped with glass rod attachments to prevent the filter from touching metal. Saturate the filter with 10 ml. chromium trioxide solution. Place the filter in an oven set at  $65\text{--}70^\circ \text{C}$ . for 1 hour. A freshly prepared filter is brownish pink. At the end of this time remove the filter and fold every 1.3 cm. along the 15-cm. dimension in an accordion fashion. While the sheet is folded, cut the 15-cm. length into 10 equal widths. As each strip is cut, place it in the 140-ml. U-tube. Place five cut strips in each tube, rotating alternate strips  $90^\circ$  so that folds will not match. Before the scrubber is used for sampling, condition for several hours to ozone at a high concentration from an ozone source such as a UV photolysis lamp. As the filters absorb moisture, scrubbing efficiency is decreased. This condition is evident as a green color. Caution: When working with chromium trioxide and sulfuric acid, wear gloves to prevent irritation of the skin.

7. **Procedure**—7.1 **Sampling**. Assemble the apparatus as shown in Figure 1. Use ground-glass connections upstream from the impinger. Butt-to-butt connections with Tygon tubing may be used. Check assembled system for leaks. Pipet 10 ml. absorbing reagent into first absorber and place  $\text{MnO}_2$  prescrubber on the sample probe. Draw air through the prescrubber and the sampling train for 15 min. at 2 liter/min. If an absorbance reading at 352 nm. is obtained, repeat until zero or constant absorbance is obtained. This system blank absorbance should be subtracted from the absorbance of the first absorber when analyzing for oxidants. Remove the prescrubber. Pipet 10 ml. absorbing reagent into each absorber. Draw ambient air through the sampling train at 2 liters/min. for 15 min.

7.2 **Analysis**. Immediately transfer the solutions from each absorber to separate clean 1-cm. cells. Determine the absorbance of each at 352 nm. against unexposed absorbing reagent as the reference. Add the absorbance of the two solutions to obtain total absorbance. Read total  $\mu\text{g. O}_3$  from the calibration curve (see 8.2).

8. **Calibration, standards, and efficiencies**—8.1 **Sampling**. The flowmeter must be calibrated with the sampling train assembled and solution in the absorbers. Connect the wet test meter to the sample probe and calibrate the flowmeter.

8.2 **Analysis**. Pipet 1 ml. standard iodine solution into a 100-ml. volumetric flask. Dilute to mark with absorbing reagent. Prepare fresh before use. Into a series of 25-ml. volumetric flasks, pipet 0.5, 1, 2, 3, and 4 ml. of diluted standard iodine solution, and dilute each to the mark with absorbing reagent.

Mix thoroughly, and immediately read the absorbance of each at 352 nm. against unexposed absorbing reagent as the reference. Calculate the concentration of the solutions as total  $\mu\text{g. O}_3$  as follows:

$$\text{Total } \mu\text{g. O}_3 = (N) (96) (V)$$

$N$  = Normality  $\text{I}_2$  (see 6.5.2), meq./ml.

$V$  = Volume of diluted standard  $\text{I}_2$  added, ml. (0.5, 1, 2, 3, 4).

Plot absorbance versus total  $\mu\text{g. O}_3$ .

8.3 **Sampling efficiency**. Sampling efficiency in the first absorber may be 90–95 percent depending upon the impinger orifice and the ozone concentration. When two absorbers are placed in series essentially all ozone is collected.

9. **Calculations**—9.1 **Sampling**. Correct the volume of air sampled to the volume at standard conditions of  $25^\circ \text{C}$ . and 760 mm. Hg.

$$V_s = V \times \frac{P}{760} \times \frac{273}{t + 273}$$

$V_s$  = Volume of air at standard conditions, liters.

$V$  = Volume of air at sampling conditions, liters.

$P$  = Barometric pressure of mercury, mm. Hg.

$t$  = Temperature of sample,  $^\circ \text{C}$ .

9.2 Calculate ozone concentration in  $\mu\text{g./m}^3$  at standard conditions.

$$\mu\text{g. O}_3/\text{m}^3 = \frac{(A) (10^3)}{V_s}$$

$A$  = Total  $\mu\text{g. O}_3$  read from calibration curve.

$10^3$  = conversion of liters to cubic meters.

$V_s$  = volume sampled at standard conditions, liters.

9.2.1 If desired, concentration of oxidant may be calculated as p.p.m.  $\text{O}_3$  at standard conditions of  $25^\circ \text{C}$ . and 760 mm. Hg.

$$\text{p.p.m. O}_3 = (\mu\text{g. O}_3/\text{m}^3) (5.034 \times 10^{-4})$$

**Derivation of above equation:**

(1) Total  $\mu\text{g. O}_3 = [N_0 \text{ (meq./ml.)} \times (10 \text{ ml.}) + (24,000 \mu\text{g./meq.})]$

(2)  $N_0$  = Normality of diluted calibration standard.

$$N_0 = \left[ \frac{1}{100} (\text{1st dilution}) \times \frac{V}{25} (\text{2nd dilution}) \right]$$

(3) Therefore: Total  $\mu\text{g. O}_3 = (N) (96) (V)$ .

10. **Bibliography**. 1. Byers, D. H., Saltzman, B. E., "Determination of Ozone in Air by Neutral and Alkaline Iodide Procedures." *J. Am. Indust. Hyg. Assoc.* 19, 251–7 (1958).

2. Saltzman, B. E., Gilber, N., "Iodometric Microdetermination of Organic Oxidants and Ozone." *Anal. Chem.* 31, 1914–20 (1959).

3. Mueller, P. K., Terragilo, R. B., and Tokiwa, Y., "Chemical Interferences in Continuous Air Analysis." *Proc., 7th Conference on Methods in Air Pollution Studies*, State of California Department of Public Health, Berkeley, California (1965).

4. Cohen, I. R., Purcell, T. C., and Altschuler, A. O., "Analysis of the Oxidant in Photochemical Reactions." *Environ. Sci. Tech.*, Vol. 1, No. 3, 247 (1967).

5. Saltzman, B. E., Wartburg, A. F., Jr., "Absorption Tube for Removal of Interfering Sulfur Dioxide in Analysis of Atmospheric Oxidant." *Anal. Chem.* 37, 779 (1965).

6. Ripley, D. L., Clingenpeel, J. M., and Hurn, R. W., "Continuous Determination of Nitrogen Oxides in Air and Exhaust Gases." *Int. J. Air Wat. Poll.* Vol. 8, pp. 455–463, (1964).

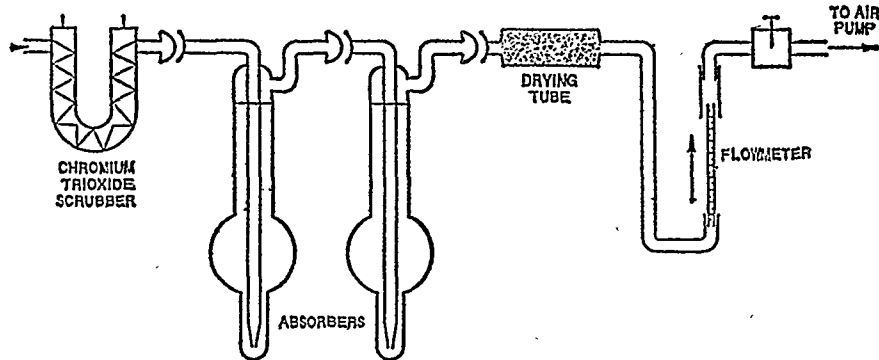


Figure 1 Sampling train.

## APPENDIX E

## PART 1: METHOD FOR CONTINUOUS MEASUREMENT OF HYDROCARBONS (FLAME IONIZATION METHOD)

**1. Principle and applicability.** 1.1 The sampling system is an integral part of the most commercial total hydrocarbon analyzers designed to measure continuously the concentration of hydrocarbons (and other organic compounds) in the atmosphere. The sample line is attached to the inlet and the sample is pumped into a flame ionization detector. A sensitive electrometer coupled with a potentiometric recorder detects the increase in ion intensity resulting from the introduction into a hydrogen flame of a sample of air containing any organic compound (e.g. hydrocarbons, aldehydes, alcohols). The response is approximately proportional to the number of carbon-hydrogen bonds in the sample. The analyzer is calibrated using methane and the results reported as methane equivalents. See addendum for description of method for measurement of methane.

1.2 The sample introduction pump may be bypassed for analysis of gases under pressure as is done with calibration gases.

**2. Range and sensitivity.** 2.1 The range of the analyzer may be varied so that full scale may be 2.6 mg./m.<sup>3</sup> (4 p.p.m.) to 1960 mg./m.<sup>3</sup> (3,000 p.p.m.) hydrocarbon as methane by varying the attenuation and the sample flow rate to the detector. The 13 mg./m.<sup>3</sup> (20 p.p.m.) range is normally for atmospheric sampling.

2.2 Sensitivity is 1 percent of full scale recorder response.

**3. Interferences.** 3.1 Carbon atoms bound to oxygen, nitrogen, or halogens give reduced or no response. There is no response to nitrogen, carbon monoxide, carbon dioxide, or water vapor.

**4. Precision accuracy and stability.** 4.1 Precision is approximately 0.5 percent full recorder scale on the 13 mg./m.<sup>3</sup> (20 p.p.m.) scale.

4.2 Accuracy is dependent on instrument linearity and absolute concentration of the calibration gases used. Generally, accuracy is  $\pm 1$  percent of full scale on the 0-13 mg./m.<sup>3</sup> range.

4.3 Zero drift necessitates frequent calibration. The magnitude of the drift depends on the air flow rate, sample flow rate, fuel flow rate, ambient temperature changes, detector contamination, and electronic drift. Zero drift observations on various instruments indicate 2 percent/24 hours on the 13 mg./m.<sup>3</sup> scale.

**5. Apparatus—5.1 Commercially available total hydrocarbon analyzer.** Instruments obtained should be installed on location and demonstrated preferably by the manufacturer to meet or exceed manufacturers

specifications and those described in this method. Generally, hydrocarbon analyzers consist of a regulated fuel and air delivery system for the hydrocarbon burner, a regulated sample injection system, electrometer for measuring the flame ion current, meter readout with connections for a recorder, and a sample pump.

**5.2 Recorder.** Potentiometric type, compatible with analyzer with an accuracy of 0/5 percent or better.

**5.3 Sample line.** Any tubing that is not a source interferences or an absorbant of hydrocarbons. Inert materials such as glass, stainless steel, and Teflon are recommended.

**6. Reagents—6.1 Combustion air.** High purity air containing less than 1.3 mg./m.<sup>3</sup> (2 p.p.m.) hydrocarbon as methane.

**6.2 Fuel.** Hydrogen or a hydrogen-inert gas mixture; when ordering specify hydrocarbon-free gas. A hydrogen generator is strongly advised for safety reasons.

**6.3 Zero gas.** Less than 0.05 mg./m.<sup>3</sup> (0.1 p.p.m.) hydrocarbon as methane in air.

**6.4 Span gas.** Methane in air corresponding to 80 percent of full scale, 10.4 mg./m.<sup>3</sup> (16.0 p.p.m.) for 13 mg./m.<sup>3</sup>. A certified or guaranteed analysis is required.

**7. Procedure.** 7.1 For specific operating instructions, see the manufacturer's manual.

**8. Calibration and efficiencies.** 8.1 Calibrate the instrument at the desired flow rate and attenuator setting. Introduce zero gas and set zero control to indicate proper value on the recorder. If a live zero recorder is not used, it is recommended that the zero setting be offset at least 5 percent of scale to allow for negative zero drift. In this case, the span setting must also be offset by an equal amount. Introduce span gas and adjust span control to indicate proper value on recorder scale (e.g. 0-13 mg./m.<sup>3</sup> (0-20 p.p.m.) scale set a 10.4 mg./m.<sup>3</sup> (16.0 p.p.m.) standard to read 80 percent recorder chart). Recheck zero and span until adjustments are no longer necessary. Since the scale is linear, the two-point calibration is valid.

8.1.1 If attenuation is varied, some discrepancy between the true attenuation and the nominal attenuation may exist. The instrument should be calibrated using appropriate standards at each attenuator setting used.

**9. Calculations.** 9.1.1 The recorder is read directly for hydrocarbon concentration.

## PART 2: METHOD FOR MEASUREMENT OF METHANE

**1. Principle and applicability.** 1.1 The atmospheric sample is continuously passed through a treated charcoal column before introduction into the instrument. This column will selectively strip all hydrocarbons other than methane and give a specific analysis for methane.<sup>1</sup> The methane level is continuously monitored by flame ionization techniques.

1.2 The technique may be applied to a gaseous sample containing low concentrations of methane, since the instrument can sample gases at 5 p.s.i. or more pressure or at ambient pressure.

**2. Range and sensitivity.** 2.1 The ranges available on commercial continuous hydrocarbon analyzers are commonly 0 to 10 p.p.m. and 0 to 100 p.p.m. A sensitivity of 0.1 p.p.m. can be obtained in the 0 to 10 p.p.m. range.

**3. Interferences.** 3.1 Ethane is the hydrocarbon most likely to break through the carbon column when ambient urban air is sampled. Thus, service life of the column is measured by introducing known concentrations of ethane in amounts equal to the daily average peak for the sampling zone (ref. 1). This service life has been found to be as long as 6 days. The column must be purged with helium every 3 days.

**4. Precision, accuracy, and stability.** 4.1 Precision is  $\pm 1$  percent for successive identical samples under identical conditions.

4.2 Accuracy is dependent upon the accuracy of standards used to calibrate the instrument.

4.3 At normal temperature, the system is stable.

**5. Apparatus—5.1 Continuous hydrocarbon analyses.** The procedure described is for the Beckman 108A and 109A analyzers.

**5.2 Charcoal column.** A 5-inch long threaded nipple of  $\frac{1}{4}$ -inch pipe packed with 4.5 grams of  $\frac{1}{16}$  mesh activated charcoal. Cloth discs contain the charcoal. The freshly packed tube is blown out forcibly with helium for 2 minutes to remove fine dust, which otherwise would interfere with the detector operation.

**6. Reagents—6.1 Fuel gas.** Pure hydrogen or a 40 percent hydrogen/60 percent nitrogen mixture, relatively hydrocarbon free. A hydrogen generator may be used.

**6.2 Air.** Water-pumped cylinder air.

**6.3 Zero gas.** A calibration gas that contains a relatively low amount of hydrocarbons is required for setting the zero point. If the hydrocarbon content of the burner air is sufficiently low and accurately known, this gas can be used as the zero gas.

**6.4 Span gas.** The span gas is a certified calibration gas used to set an upscale standardization point.

**6.5 Helium.** Cylinder helium (water-pumped) is required to recondition the carbon filter.

**7. Procedure.** 7.1 Check that all units are properly connected according to the diagram. Turn on fuel gas. Allow fuel pressure to reach proper level according to flow desired. Slowly open the air cylinder valve. Adjust air pressure to about 30 p.s.i. Again adjust to obtain desired flow. Check all fittings for leaks. Insert a carbon column in position. Introduce sample and adjust to proper value. If all pressures inside analyzer are proper, turn on analyzer power switch and ignite burner. A small pop indicates that the flame has ignited. The analyzer meter should show an upscale deflection. Adjust attenuator to x30 position, and adjust the zero and span\* controls so that meter reading is between 10 and 60. Proceed to calibration.

**8. Calibration, standards, and efficiencies.** 8.1 Check flow rates with a calibrated bubble flow meter so that sample flow corresponds to optimum values.

8.2 If the instrument has just been started, wait at least 3 hours before calibrating. Open the cylinder shut-off valves on the span and zero gas cylinders. Observe the sample pressure gauge and adjust to the proper value. Connect the zero gas to the carbon column so that it goes through the column before passing into the analyzer. Allow the instrument to run on zero gas for 5

\*Span control has been added to the Beckman analyzer for convenience.

to 10 minutes. Disconnect the zero gas and connect the span gas to the column so that span gas passes through the column before the analyzer. Allow the instrument to run 5 to 10 minutes. Remove the old column and insert a freshly purged carbon column. Observe the analysis tag attached to zero-gas cylinder and note the indicated p.p.m. Disconnect the span gas and reconnect the zero gas, wait until reading has stopped changing, then adjust the ZERO control to bring the recorder pen to the same reading (in p.p.m.) as indicated on analysis tag. Reconnect the span gas and adjust the recorder with SPAN control to indicated value in p.p.m. Repeat zero and span adjustment until no further adjustments are required. Connect the column back to sample air. Check to see that the sample pressure gauge reading is still the same as originally set. Turn off the zero and span cylinder valves.

9. *Calculation.* 9.1 Meter is read directly in p.p.m. as  $\text{CH}_4$ .

10. *Bibliography.* 1. Ortman, G. C., Monitoring Methane in Atmosphere with a Flame Ionization Detector, Anal. Chem. 38, 644 (1966).

2. Beckman Instruction Manual 1306, Beckman Instruments, Inc. (1964).

#### APPENDIX F

#### METHOD FOR DETERMINATION OF NITROGEN DIOXIDE IN THE ATMOSPHERE

##### (24-HOUR SAMPLING METHOD)

1. *Principle and applicability.* 1.1 Nitrogen dioxide is collected by bubbling air through a sodium hydroxide solution. A dilute solution of sodium nitrite is produced, which need not be analyzed immediately.

1.2 The nitrite ion produced during sampling is determined colorimetrically by reacting the exposed absorbing reagent with phosphoric acid, sulfanilamide, and N-(1-naphthyl)-ethylenediamine dihydrochloride.

1.3 The methods of sampling and analysis are applicable to field collection of 24-hour samples and return to a central laboratory for analysis.

2. *Range and sensitivity.* 2.1 The range of the analysis is 0.04 to 1.5  $\mu\text{g. NO}_2/\text{ml.}$  For the efficiency stated in section 8.3, 50 ml. absorbing reagent, and a sampling rate of 200 ml./min. for 24 hours; the range of the method is 20–740  $\mu\text{g./m.}^3$  (0.01–0.4 p.p.m.) nitrogen dioxide.

2.2 A nitrite concentration of 0.04  $\mu\text{g. NO}_2/\text{ml.}$  will produce an absorbance of 0.02 with 1-cm. cells.

3. *Interferences.* 3.1 The interference of sulfur dioxide is eliminated by conversion to sulfurous acid with hydrogen peroxide before analysis.<sup>1</sup>

4. *Precision, accuracy, and stability.* 4.1 The relative standard deviations are 14.4 percent and 21.5 percent at nitrogen dioxide concentrations of 140  $\mu\text{g./m.}^3$  (0.072 p.p.m.) and 200  $\mu\text{g./m.}^3$  (0.108 p.p.m.). These data are based on 10 samples collected from test atmospheres generated with nitrogen dioxide permeation tubes are analyzed by automating the procedure with a Technicon Autoanalyzer.

4.2 No accuracy data are available.

4.3 Collected samples are stable for at least 6 weeks.

5. *Apparatus—5.1 Sampling.* See Figure 1.

5.1.1 Absorber—Polypropylene tubes 164 by 32 mm., equipped with polypropylene two-port tube closures. Rubber stoppers cannot be used because high and varying blank values are obtained. A gas dispersion tube with a fritted disc of porosity B (70–100  $\mu\text{m.}$  maximum pore diameter) is used.

5.1.1.1 Measurement of maximum pore diameter of frit. Carefully clean the frit with

dichromate-concentrated sulfuric acid cleaning solution and rinse well with distilled water. Insert the frit in one hole of a two-hole rubber stopper and install the frit in a tube containing sufficient distilled water to cover. Attach a vacuum source to the other hole of the rubber stopper and measure the vacuum required to draw the first perceptible stream of air bubbles through the frit. Apply the following equation:

$$\text{maximum pore diameter, } \mu\text{m.} = \frac{30s}{P}$$

s = Surface tension of water in dynes/cm. at the test temperature (73 at 18° C., 72 at 25° C., and 71 at 31° C.)  
P = Vacuum, mm. Hg.

5.1.2 Probe. Teflon or glass tube with a polypropylene or glass funnel at the end and a membrane filter to protect the frit. Replace filter after use with no more than five samples.

5.1.3 Flow control device. Calibrated 27-gauge hypodermic needles,  $\frac{3}{16}$ -in. long. The needle should be protected by a membrane filter or fiber glass filter. Change filter after use with 10 samples.

5.1.4 Air pump. Capable of maintaining a flow of 0.2 liter/min. through the absorber, and a vacuum of 0.7 atmosphere.

5.1.5 Calibration equipment. One ball-float flowmeter for measuring air flows up to approximately 275 ml./min., one stopwatch, and one precision wet test meter, 1 liter/revolution.

#### 5.2 Analysis.

5.2.1 Volumetric flasks. 50, 100, 200, 250, 500, 1,000 ml.

5.2.2 Graduated cylinder. 1,000 ml.

5.2.3 Pipets. 1, 2, 5, 10 ml.

5.2.4 Test tube.

5.2.5 Spectrophotometer or colorimeter. Capable of measuring absorbance at 540 nm. Band width is not critical.

#### 6. Reagents—6.1 Sampling.

6.1.1 Absorbing reagent. Dissolve 4.0 g. sodium hydroxide and dilute to 1,000 ml. with distilled water.

#### 6.2 Analysis.

6.2.1 Sulfanilamide. Dissolve 20 g. sulfanilamide in 700 ml. distilled water. Add, with mixing, 50 ml. phosphoric acid (85 percent) and dilute to 1,000 ml. This solution is stable for a month if refrigerated.

6.2.2 NEDA solution. Dissolve 0.5 g. N-(1-naphthyl)-ethylenediamine dihydrochloride in distilled water. This solution is stable for a month if refrigerated and protected from light.

6.2.3 Hydrogen peroxide. Dilute 0.2 ml. 30 percent hydrogen peroxide to 250 ml. with distilled water. This solution is stable for a month if protected from light.

6.2.4 Standard nitrite solution. Dissolve sufficient desiccated sodium nitrite ( $\text{NaNO}_2$ , assay of 97 percent or greater) and dilute with distilled water to 1,000 ml. so that a solution containing 100  $\mu\text{g. NO}_2/\text{ml.}$  is obtained. The amount of  $\text{NaNO}_2$  to use is calculated as follows:

$$G = \frac{1.500}{A} \times 1000$$

G = Amount of  $\text{NaNO}_2$ , g.

1.500 = Gravimetric factor in converting  $\text{NO}_2$  into  $\text{NaNO}_2$ .

A = Assay, percent.

7. *Procedure—7.1 Sampling.* Assemble the sampling train as shown in Figure 1. Add 50 ml. absorbing reagent to the absorber. Disconnect funnel, insert calibrated flowmeter, and measure flow before sampling. If flow rate before sampling is less than 85 percent of needle calibration, check for leak or change filters as necessary. Sample for 24 hours and measure flow at end of sampling period.

7.2 *Analysis.* Replace any water lost by evaporation during sampling. Pipet 10 ml. of the collected sample into a test tube. Add 1.0 ml. hydrogen peroxide solution, 10.0 ml. sulfanilamide solution, and 1.4 ml. NEDA solution with thorough mixing after the addition of each reagent. Prepare a blank in the same manner using 10 ml. absorbing reagent. After a 10-min. color development interval, measure the absorbance at 540 nm. against the blank. Read  $\mu\text{g. NO}_2/\text{ml.}$  from standard curve (section 8.2).

#### 8. Calibration and efficiencies—8.1 Sampling.

8.1.1 Calibration of ball float flowmeter. Using a wet test meter and a stopwatch, determine the rates of air flow (ml./min.) through the flowmeter at several ball positions. Plot ball positions versus flow rates.

8.1.2 Calibration of hypodermic needle. Connect the calibrated flowmeter, the needle to be calibrated, and the source of vacuum in such a way that the direction of air flow through the needle is the same as in the sampling train. Read the position of the ball and determine flow rate in ml./min. from the calibration chart prepared in 8.1.1. Reject all needles not having flow rates of 190 to 210 ml./min. before sampling.

8.2 Calibration curve. Dilute 5.0 ml. of the 1,000  $\mu\text{g. NO}_2/\text{ml.}$  solution to 200 ml. with absorbing reagent. This solution contains 25  $\mu\text{g. NO}_2/\text{ml.}$  Pipette 1, 2, 5, and 15 ml. of the 25  $\mu\text{g. NO}_2/\text{ml.}$  solution into 50-, 50-, 100-, and 250-ml. volumetric flasks and dilute to the mark with absorbing reagent. The solutions contain 0.50, 1.00, 1.25, and 1.50  $\mu\text{g. NO}_2/\text{ml.}$ , respectively. Run standards as instructed in 7.2 Plot absorbance vs.  $\mu\text{g. NO}_2/\text{ml.}$

8.3 Efficiencies. An overall average efficiency of 35 percent was obtained from test atmospheres having nitrogen dioxide concentrations of 140  $\mu\text{g./m.}^3$  and 200  $\mu\text{g./m.}^3$  by automated analysis.<sup>2</sup>

#### 9. Calculation—9.1 Sampling.

9.1.1 Calculate volume of air sampled.

$$V = \frac{F_1 + F_2}{2} \times T \times 10^{-4}$$

V = Volume of air sampled,  $\text{m.}^3$

$F_1$  = Measured flow rate before sampling, ml./min.

$F_2$  = Measured flow rate after sampling, ml./min.

T = Time of sampling, min.

$10^{-4}$  = Conversion of ml. to  $\text{m.}^3$

9.2 Calculate the concentration of nitrogen dioxide as  $\mu\text{g. NO}_2/\text{m.}^3$

$$\mu\text{g. NO}_2/\text{m.}^3 = \frac{(\mu\text{g. NO}_2/\text{ml.}) \times 50}{V} = \frac{(\mu\text{g. NO}_2/\text{ml.}) \times 143}{V}$$

V = 0.35

50 = Volume of absorbing reagent used in sampling, ml.

V = Volume of air sampled,  $\text{m.}^3$

0.35 = Efficiency.

9.2.1 If desired, concentration of nitrogen dioxide may be calculated as p.p.m.  $\text{NO}_2$  at 25° C. and 760 mm.

$$\text{p.p.m.} = (\mu\text{g. NO}_2/\text{m.}^3) \times 5.319 \times 10^{-4}$$

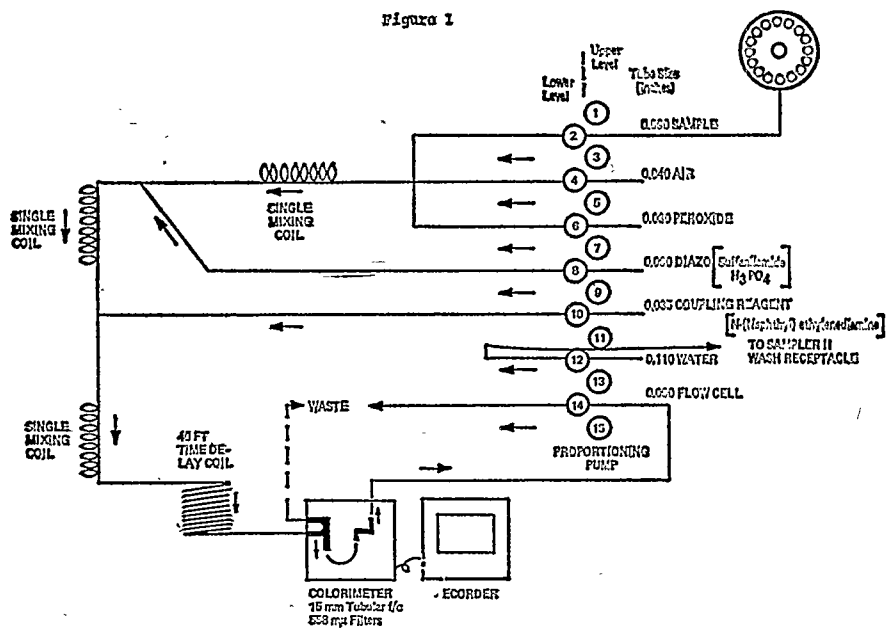
10. *Bibliography.* 1. Jacobs, M. B., and Hochheiser, S., "Continuous Sampling and Ultramicrodetermination of Nitrogen Dioxide in Air," Anal. Chem., 30 426 (1958).

2. Morgan, G. B., Golden, C., and Tabor, E. O., "New and Improved Procedures for Gas Sampling and Analysis in the National Air Sampling Network," J. APCA 17 (5) 300–304 (1967).

3. Purdue, L. J., Dudley, J. E., Clements, J. B., and Thompson, R. J., "Studies in Air Sampling for Nitrogen Dioxide." I. A re-investigation of the "Jacobs-Hochheiser Reagent." In Preparation.

## PROPOSED RULE MAKING

Figure 1



[FR Doc.71-1263 Filed 1-29-71;8:45 am]



# ENVIRONMENTAL PROTECTION AGENCY

## AIR POLLUTION PREVENTION AND CONTROL

### List of Air Pollutants; Issuance of Air Quality Criteria

Section 108(a)(1) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), directs the Administrator of the Environmental Protection Agency to publish, no later than January 30, 1971, and from time to time thereafter revise, a list that includes each air pollutant which in his judgment has an adverse effect on public health or welfare, which is present in the ambient air as a result of emissions from numerous or diverse mobile or stationary sources, and for which no air quality criteria were issued prior to the enactment of the amendments. Within twelve (12) months from the inclusion of a pollutant on the list, the Administrator is required to issue air quality criteria for such pollutant.

The Administrator, after evaluating available information, has concluded that nitrogen oxides clearly meet the above requirements. Evaluation of other air

pollutants, including fluorides, polycyclic organic matter, and odorous substances, is being conducted, and the list will be revised as the Administrator deems appropriate. Accordingly, there is hereby established a list of air pollutants under section 108(a)(1) of the Act, as follows:

#### LIST OF AIR POLLUTANTS

##### 1. NITROGEN OXIDES

Pursuant to sections 103 (a) and (d) of the Clean Air Act, as amended December 31, 1970 (Public Law 91-604), notice is hereby given that the Administrator of the Environmental Protection Agency, after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the Act, has today issued the document "Air Quality Criteria for Nitrogen Oxides" (EPA Publication No. AP-84). As required by the Act, issuance of this document follows the inclusion of nitrogen oxides in the list of air pollutants published above.

The air quality criteria reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of nitrogen oxides in varying quantities in the ambient air.

Notice is further given that the information on control techniques for nitrogen oxides required to be issued pursuant to section 103(b) of the Act was issued on March 10,

1970 (35 F.R. 4763) in the following documents:

Control Techniques for Carbon Monoxide, Nitrogen Oxide, and Hydrocarbon Emissions from Mobile Sources (NAPCA Publication No. AP-66)

Control Techniques for Nitrogen Oxide Emissions from Stationary Sources (NAPCA Publication No. AP-67)

The control techniques documents were transmitted to the Governor of each State, and to the agency in each State that is designated by the Governor as the official State air pollution control agency for purposes of the Act.

Pursuant to section 109(a)(2) of the Clean Air Act, as amended, there are published in this issue of the FEDERAL REGISTER proposed national primary and secondary ambient air quality standards for nitrogen oxides, which the Administrator is required to publish simultaneously with the issuance of air quality criteria and information on control techniques.

Copies of the documents whose issuance is announced herein are available to the general public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

WILLIAM D. RUCKELSHAUS,  
Administrator.

JANUARY 25, 1971.

[FR Doc 71-1264 Filed 1-23-71; 8:45 am]

